

1. The first part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation

$$f(x) = \int_0^x \frac{1}{1+t^2} dt$$

It is shown that the function $f(x)$ is increasing and concave down on the interval $(-\infty, \infty)$.

2. In the second part of the paper, we consider the function $g(x)$ defined by the equation

$$g(x) = \int_0^x \frac{1}{1+t^2} dt$$

It is shown that the function $g(x)$ is increasing and concave down on the interval $(-\infty, \infty)$.

3. In the third part of the paper, we consider the function $h(x)$ defined by the equation

$$h(x) = \int_0^x \frac{1}{1+t^2} dt$$



4. In the fourth part of the paper, we consider the function $k(x)$ defined by the equation

$$k(x) = \int_0^x \frac{1}{1+t^2} dt$$

It is shown that the function $k(x)$ is increasing and concave down on the interval $(-\infty, \infty)$.

**Less Access
to Less Information
by and about the
U.S. Government**

A 1988–1991 Chronology

Prepared by the
American Library Association
Washington Office

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Preface

Government information is a critical national resource. *Less Access to Less Information by and about the U.S. Government* documents a decade-long erosion of public access to government information. During the past ten years, the American Library Association Washington Office has continued a chronology of information dissemination activities. A policy has emerged which is less than sympathetic to the principles of freedom of access to information as librarians advocate them. A combination of specific policy decisions, the Administration's interpretations and implementation of the 1980 Paperwork Reduction Act (PL 96-511, as amended by PL 99-500) and agency budget cuts have significantly limited access to public documents and statistics.

Since 1982, one of every four of the government's 16,000 publications has been eliminated. Since 1985, the Office of Management and Budget has consolidated its government information control powers, particularly through OMB Circular A-130, Management of Federal Information Resources. This circular requires cost-benefit analysis of government information activities, maximum reliance on the private sector for the dissemination of government information, and cost recovery through user charges. OMB has announced plans to revise this controversial circular in 1992.

The pending reauthorization of the Paperwork Reduction Act should provide an opportunity to limit OMB's role in controlling information collected, created, and disseminated by the federal government. However, the reauthorization bills that have been introduced in the 102nd Congress would accelerate the current trend to commercialize and privatize government information.

This chronology documents that in recent years, as the American economy became more complex, numerous news articles showed that federal statisticians are losing the ability to track the changes. Article after article reported that poor statistics and inadequate information have led to major miscalculations in the formulation of federal policy. Examples included problems with federal data about early childhood immunizations, prescription drug use, the consumer price index, the 1990 census, and the hazardous waste cleanup.

Another development, with major implications for public access, is the tendency of federal agencies to utilize computer and telecommunica-

tions technologies for data collection, storage, retrieval, and dissemination. This trend has resulted in the increased emergence of contractual arrangement with commercial firms to disseminate information collected at taxpayer expense, higher user charges for government information, and the proliferation of government information available only in electronic formats. While automation clearly offers promises of savings for agencies and convenience to users, will public access to government information be further restricted for people who cannot afford computers or pay for computer time?

Now that electronic products and services are being distributed to federal depository libraries, public access to government information will be increased. The Depository Library Program, administered by the Government Printing Office, provides no-fee public access to government information through 1,400 congressionally designated depository libraries. Depository libraries contribute to the Jeffersonian ideal of an informed citizenry since through these libraries Americans are able to watch over their government, safeguarding their individual rights and freedom while they enhance and protect their personal lives and property.

The American Library Association has reaffirmed 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.

Less Access to Less Information by and about the U.S. Government was named as the second most undercovered news subject of 1986 by Project Censored, the national media research project conducted at Sonoma State University in California. *Less Access . . .* was selected by a national panel of judges from among the top 25 nominations (of more than 300 articles nominated) on the basis of the quality of the story and its perceived importance to the American public. In a "rare renomination," *Less Access . . .* was named the fourth most undercovered news subject of 1987. In 1990, *Less Access . . .* was included in the top 25 stories. Project Censored focuses on investigative journalism and tries to refocus media attention on some issues that have been overlooked.

The ALA Washington Office prepared an earlier publication, *Less Access to Less Information by and about the U.S. Government: A 1981-1987 Chronology*, in 1988. This chronology brings together the semiannual updates published from 1988 through 1991.

January 1988

Rep. Major Owens (D-NY) requested the General Accounting Office to examine the condition of information on education in the United States. The GAO report, obtained by the Washington Office in January, found that:

During the past decade, the production of federally sponsored research, statistical, and evaluative information on education has declined notably. Research activities shifted away from the collection of new data to service-oriented activities such as dissemination, so much so that the availability of up-to-date information for teachers may be threatened. Further, new data collection efforts have become narrowly focused and the scope of investigation restricted by increased use of contracts awarded to institutions rather than field-initiated grants. The quality of information is variable. The major influence on information production is severe reductions in funding levels, and activities that do not carry congressional mandates are most vulnerable to funding declines and changes in priorities.

(Education Information: Changes in Funds and Priorities Have Affected Production and Quality [GAO/PEMD-88-4, November 1987])

January 1988

International competition has prompted the President to remove restrictions on civilian U.S. satellites, allowing them to make and sell much more finely detailed photographs of the planet. Until now, the government prohibited private companies from lofting satellites that could photograph clearly objects smaller than about ten meters in size. The Defense Department had sought the constraints in an effort to protect military secrets.

Recently the Soviet Union began marketing highly detailed satellite photos, down to a resolution of five meters, of any part of the world outside its own territories. Scientists at the U.S. Geological Survey have petitioned the government to let them buy the Soviet product, including photographs of the District of Columbia. The U.S. Landsat satellite, which once had a global monopoly, can detail objects no smaller than 30 meters. After the government turned Landsat over to private contractors, it allowed Landsat to wither, surrendering business to foreign rivals, including the Soviet Union and France.

Some restrictions remain. For example, regulations issued recently by the Commerce Department give the State and Defense departments a veto over public acquisition of satellite photos if they pose a national security threat. ("Restrictions Lifted on Sale of Satellite Photos," *The Washington Post*, January 22; see also "Landsat's Slow Death," *National Journal*, July 25, 1987)

February 1988 A series of articles in *The Washington Post* chronicled a controversy about the proper classification of records in government files. The document in question was a memo to Attorney General Edwin Meese III from his friend, E. Bob Wallach, concerning construction of an oil pipeline in Iraq. At the beginning of February, denying that he was negligent or protective of his friend, Meese said that he could not release the memo because it was classified. By the middle of the month, press reports said that an interagency review panel composed of representatives from the White House, Justice Department, State Department, Central Intelligence Agency, National Security Council, and Overseas Private Investment Corp. had unanimously concluded that there was no national security basis on which to keep the Wallach memo classified after news reports about it. The President decided to declassify the document. ("Meese Calls His Role in Pipeline 'Lawful,'" February 2; "Ten Little Words," February 3; "Meese Lawyer: McKay Classified Memo," February 4; "McKay Defends Memo Decision," February 5; "Reagan to Have Wallach Memo Declassified," February 12)

February 1988 In an interview as he prepared to leave the Justice Department for private practice, Assistant Attorney General Richard K. Willard said the Reagan Administration might have avoided its mistakes in the Iran-Contra affair if it had the political nerve to stand by its plan to curb leaks with widespread polygraph tests and expanded censorship. "The Administration paid a real price" for backing off from a 1984 Presidential order that was aimed at preventing unauthorized disclosures, Willard said as the architect of the plan known as the National Security Decision Directive 84. NSDD 84 would have subjected the hundreds of thousands of federal employees who see classified papers to possible dismissal if they refused to take polygraph, or lie detector, tests in investigations of disclosures. Thousands of others would have to let the government censor their speeches and writings for life. ("Aide Says Fears Led to Contra Affair," *The New York Times*, February 15)

- February 1988 Prohibitive state and federal rules and reduced spending on food programs for the poor have contributed to a nutrition crisis in rural America, particularly affecting children and the elderly, according to a study released by the Public Voice for Food & Health Policy. Ellen Haas, executive director of Public Voice, said, "For many rural residents, poverty cruelly twists isolation and inaccessibility into barriers to adequate nutrition—barriers that cause inferior health jeopardizing their lives." Among the study's key findings are that major barriers to food stamp participation resulted from tough eligibility rules, lack of information, and lack of mobility among the elderly. ("Study Links Federal Policy, Food Crisis," *The Washington Post*, February 24)
- March 1988 John A. McGeachy of North Carolina State University has published data from a project called "Checking the *Monthly Catalog*" which indicate a troubling phenomenon: the *Monthly Catalog* includes entries with item numbers showing that depository libraries received certain documents when, in fact, the documents were not distributed to depository libraries. The Government Printing Office has been unable to determine whether this situation is a result of systemic problems, or whether these documents have simply fallen through various cracks as they wend their way through the Library Programs Service. McGeachy describes the checking project, identifies 799 documents lacking in the North Carolina State and University of North Carolina, Chapel Hill, library collections for the period May 1982 through December 1986, and describes correspondence with GPO concerning this situation. ("Documents Lost: Depository Documents Depositories Did Not Receive 1982–1986," *Documents to the People (DttP)*, March 1988)
- March 1988 In an effort to provide a screening tool to potential consumers of nursing home care, the Department of Health and Human Services plans to publish this summer a consumer-oriented guide to the quality of care provided by the nation's 16,000 nursing homes that will include each one's history of safety, food, sanitary, and patient rights violations. Major nursing home industry groups said such a guide would only create confusion, but were not united in opposing the proposal. Jack McDonald, vice president of Beverly Enterprises, the industry's largest chain, said: "I have no problem with disclosure of that information—provided the public report is done properly and the data put in the proper context. The information is actually already publicly available on computer tapes." Details of

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what will be included in the reports remain to be worked out in consultation with the nursing home industry.

This is the second time the Health Care Financing Administration, which runs Medicare and Medicaid, has decided to issue what amounts to a report card on a portion of the health industry. To ferocious opposition from the hospital industry, it has published two annual reports on the death rates at each of the nation's hospitals. ("HHS to Publish Consumer Guide on Quality of Care at Each Nursing Home," *The Washington Post*, March 5)

March 1988

For the past four to five years West Virginia's top labor leader has watched with dismay a steady decline in good paying industrial jobs throughout the state. Replacing them have been low-paying service jobs—when they are replaced at all. "They started going down hill about 1982," said Joe Powell, president of the West Virginia Labor Federation, AFL-CIO. "There were ups and downs since then and it sort of leveled out in the last year. But most of the shift has been away from the high-paying jobs and to service industry jobs with lower pay and no fringe benefits. In essence, that's what's been happening in the whole country. We've traded off good paying jobs to lower paying jobs while we've also switched from the one-job family to the two-job family to keep up."

While Powell knows there has been a loss of the solid industrial jobs in West Virginia, he cannot say for sure how large that loss has really been. He cannot, he said, because in the same year the decline began, the Reagan Administration cut funds for the U.S. Labor Department Statistical Division and that data no longer is being collected. ("State Loses 'Good' Jobs," *Citizen Courier-News* [Charleston, W. Va.], March 5)

March 1988

Barbara Bailer, who resigned in January as head of statistical research at the Census Bureau, argued in an opinion piece that defective methodology has made the U.S. Census persistently inaccurate:

When the count comes in from the 1990 census, several million Americans will be ignored. Most are young males who belong to racial or ethnic minorities. Others are poor and white; many are homeless. Most are in the nation's inner cities, but some live in rural areas on obscure byways. They are the invisible Americans.

Although methods exist to compensate for that inaccuracy, the Commerce Department has ruled out any adjustment in the 1990 census The after-effects of an undercount are felt by every American in many ways. Census counts determine representation in the House of Representatives, state legislatures, and city and county legislative bodies. They are used to draw up new legislative boundaries and in formulas that apportion the transfer of over \$35 billion a year from the federal government to local governments and a like amount from state coffers to local jurisdictions. In addition, undercounting affects our understanding of disease, poverty, unemployment, and crime—the statistics for which are benchmarked against census figures.

("The Miscounting of America," *The Washington Post* [Outlook Section], March 6)

March 1988

The federal government plans to reduce the size of its monthly employment surveys in New York City and Los Angeles, thus sharply limiting its ability to track employment trends among black, Hispanic, teen-age, and other groups of workers. The change, to be made in April, is necessary because of budget cuts in the Labor Department's Bureau of Labor Statistics, officials of the agency said. New York and Los Angeles are the only cities in which the comprehensive monthly surveys have been conducted. New York area officials said the change would create problems almost immediately in planning public services. Particularly affected will be job training programs that rely on employment statistics to decide where to focus their efforts for minorities, young people, senior citizens, and other groups of workers. City and federal officials agreed that reducing the size of the survey would greatly reduce its reliability and quality. But officials of the Bureau of Labor Statistics, who expect to save \$750,000 a year by reducing the size of the New York City Survey, said their decision would not be reversed. The bureau has been ordered by Congress to cut \$10 million from its budget this year, to \$200 million. Reductions are also being made in record-keeping operations cross the country. ("U.S. Plans to Reduce the Scope of Report on Workers in Cities," *The New York Times*, March 7)

March 1988

If the recent antics over a small federal agency that sells copies of technical government reports were on television, Rep. Sherwood L. Boehlert (R-NY) said, the show would be preceded by a warning: "something like, 'The story you are

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about to hear is true' or 'There is nothing wrong with your TV set.'" The caveat would be needed, Boehlert said, because he can find no logical explanation for the Reagan Administration's determination to sell to private business the Commerce Department's highly acclaimed National Technical Information Service. Nor can the National Academy of Public Administration, the Office of Technology Assessment, library and industry associations, labor unions, public interest groups, the House and Senate, and least of all, the 341 NTIS employees. Demand for NTIS documents is strong among research organizations. Groups seeking to keep the NTIS under government control say they fear a private organization would have difficulty obtaining all the reports that are made readily available to the Commerce Department agency, and that a private company's profit would increase users' costs. ("Administration's Policy for a Profit-Producing Agency: Sell It," *The Washington Post*, March 10)

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Despite guilty pleas from former national security adviser Robert C. McFarland, independent counsel Lawrence E. Walsh and his staff of two dozen lawyers have been frustrated by a series of roadblocks that have prevented them from getting the cooperation of key witnesses and much-needed documentation. According to sources, Walsh's investigators have not yet gained access to thousands of pages of detailed, daily jottings Marine Lt. Col. Oliver L. North compiled in 21 spiral notebooks. Edited versions of the notebooks were made available to the House and Senate Iran-Contra committees as part of a grant of limited immunity to North. Congressional investigators said North's notebooks turned out to be an essential component of the final House and Senate report, and could be the best documentary evidence on the Iran-Contra affair still available to Walsh. North's notebooks are so important in part because long before Walsh was appointed, North and others involved in the Iran-Contra affair shredded reams of official documents that would have been useful to Walsh's inquiry. ("Lack of Witnesses, Documents Troubles Walsh's Iran Inquiry," *The Washington Post*, March 14)

March 1988

The National Weather Service, once the world's premier meteorological forecasting organization, concedes it is now a second-class operation struggling to improve. The White House, which some say is still pressing an old ideological battle to "privatize" the weather service, is refusing to invest more money in it. In 1986, the service was able to forecast

and issue warnings for only 59 percent of the severe storms that developed. That year, 62 percent of the warnings issued were false alarms. Weather service officials blame their forecast problems on obsolete equipment for observing and analyzing weather. Some of its radar systems, for example, date to World War II, and some of its electronic equipment still uses outmoded vacuum tubes.

A first-rate weather service is more critical to the United States than to any other country because this nation, according to weather service statistics, has more dangerous weather than any other. In a typical year, the U.S. has about 10,000 severe thunderstorms, 5,000 floods, 1,000 tornadoes, and 10 hurricanes. These are all phenomena that can kill people and cause severe economic damage. Despite this, the government has fewer weather service personnel in proportion to population than any other industrialized country. Airline safety is closely tied to reliable forecasts. Many industries, like farming and construction, depend on accurate forecasts to remain economically sound.

While the weather service begged for money to modernize, the White House resisted, arguing that the service, or at least parts of it, should be sold to private industry. Last year, after early enthusiasm for privatization died down, the Administration seemed to relent, budgeting funds to start the modernization. However, the Administration's proposed budget for fiscal year 1989 eliminates \$15 million in funding for a special computer system that would process data into a form that forecasters can use. An official of the Office of Management and Budget said that the omission was strictly a cost-cutting measure because the weather service had not proven that the computer system would be cost effective. Privatization, the official said, was not an issue. ("Forecast at U.S. Weather Service: Shortage of Funds for Modernization," *The Washington Post*, March 14)

March 1988

CIA Director William H. Webster, responding to a lawsuit challenging the legality of secrecy pledges, has warned that the leak of a single item of compartmented data could expose the workings of a U.S. spy satellite or electronic listening post. If a hostile nation compromised a U.S. spy system, it could intercept a broad range of intelligence and set up a similar apparatus for furnishing false data to the United States, Webster said in a statement included with a March 2 response in

U.S. District Court in Washington. Webster cited a recently declassified 1984 CIA report that stated: "Because the intelligence (from sophisticated spy systems) inherently is source-revealing, the reader of an . . . intelligence report is just as capable of revealing compromising data about a system as the builder or operator of the system." Webster said that to protect each item of sensitive data, the government needs secrecy pledges from all employees with access.

The Administration introduced the secrecy pledges in 1983 over vigorous congressional opposition and has obtained more than 2.1 million signatures. Most of the agreements were signed last year by Navy and Air Force employees, according to Steven Garfinkel of the General Services Administration. The CIA administers one secrecy pledge, known as Standard Form 4193, to hundreds of thousands of employees in 21 agencies. It imposes a lifelong obligation on workers to submit a wide range of information to prepublication censorship review. The suit, filed by the Public Citizen Litigation Group, alleges that the pledge chills the flow of information to Congress. ("Single Leak Could Peril Spy Systems, Webster Says," *The Washington Post*, March 15)

Barry C. Beringer, Associate Under Secretary for economic affairs at the Department of Commerce, cautioned that open access to information could hurt U.S. competitiveness. Citing threats to the U.S. economy from foreign countries that capitalize on American "technology and know-how," he said, "Heretofore, we could publish our research results and we were the only people capable of taking advantage of them. Now we need to realize the competitive implications of doing that." At a meeting of the Federal Library and Information Center Committee at the Library of Congress, Beringer called for a "unique U.S. model" of technology transfer and information sharing that would include private industry, universities, and the federal government.

Several speakers, who included government officials concerned with information policy and information-industry representatives, cautioned that many of the Reagan Administration's policies had made access to information more difficult for U.S. scientists and engineers. Chief among the problems cited was an Administration proposal to "privatize" NTIS. Privatization, the speakers argued, would make it

harder to gather public information on science and technology research in the U.S. and other countries because foreign governments and businesses would be less likely to entrust information to a private company than to a division of the U.S. government. ("Official Says Open Access to Information Could Hurt U.S.," *The Chronicle of Higher Education*, March 16)

March 1988

An August 4, 1987, memorandum sent out by the Office of Scientific and Technical Information of the Department of Energy said to receive "selected limited reports," libraries had to agree to limit access to the reports to government agencies and their contractors. The notice said:

By electing to receive this material, you are agreeing to limit access to the microfiche to only those persons and organizations authorized to receive them.

Librarians, upset at what they regarded as a new attempt by the government to restrict public access to unclassified research, brought the memo to the attention of Quinlan Shea of the National Security Archive. Using the Freedom of Information Act, Shea asked for a list of these "limited reports." After a series of denials and appeals, Shea got his list of titles of 545 reports. Meanwhile, a number of university librarians say they are still concerned about OSTI's August 4 memo. Jay Lucker of the Massachusetts Institute of Technology says that while his libraries will not accept documents requiring restricted access, "I'm still concerned about what [OSTI] is not sending me Unless there's a [national] security issue at stake," he believes, "these materials ought to be made available to everyone." ("FOI May Open Secret Cache of Energy Data," *Science News*, March 19)

[Ed. note: In one of the appeals to Shea's FOIA request, OSTI officials claimed that since their data were in a computer, manipulating them to create the list of titles would amount to creating a new file—something they are not required to do under the FOIA. In a decision "clarifying" their initial decision to release the list of titles, DOE commented about FOIA requirements to search computerized databases:

We believe, however, that to the extent that OSTI maintains records in a database and already has software that is capable of searching the database, the FOIA requires

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OSTI to use that software to search the database for the requested records. This is true even if the type of search that must be performed is different from the type normally performed by OSTI. A search of this nature is not, in substance, significantly different from a search of a file cabinet for paper records that are responsive to a request. If the FOIA required anything less it would allow agencies to conceal information from public scrutiny by placing it in computerized form. This would be inconsistent with the FOIA's policy of the fullest possible disclosure.

(Decision and Order of the Department of Energy, Motion for Clarification, Case Number: KFA-0158, May 26, 1988)]

March 1988

A bipartisan group of 30 members of Congress charged in a letter to the President that the 1990 census will be seriously impaired unless the Office of Management and Budget drops its demand for major changes in the Census Bureau's proposed questionnaire. "Overall, a questionnaire reflecting the OMB proposals would result in a significant reduction in the stock of detailed statistical data available to the public, the states, and localities, not to mention Congress and the executive branch," the letter said. The letter called on the President to make sure that the final questionnaires reflect the Census Bureau's "best professional judgment"—not OMB's—on how to get the widest range of reliable information. The group is led by Sen. Paul S. Sarbanes (D-MD), chairman of the Joint Economic Committee. ("Lawmakers Denounce OMB Census Proposals," *Washington Post*, March 22) [Ed. note: A *Washington Post* March 31 article, "What Every Household Will Be Asked in 1990," details the compromise reached between OMB and the Census Bureau.]

March 1988

There have been numerous articles this spring on the FBI's Library Awareness Program. Just two are mentioned here:

Gerald Shields in an article, "Academic Libraries Must Oppose Federal Surveillance of Their Users," in the March 23 *The Chronicle of Higher Education*, summarized the concerns of the library community about the FBI's program under which librarians have been asked to report suspicious behavior by library patrons. He pointed out that libraries are dedicated to the principle of free access to information, without question or moral judgment on the part of staff members regarding library users or their motives. He urged academics to take a

long, hard look at the implications of the FBI's Library Awareness Program. In fact, Shields wrote, researchers and scholarly publishers, as well as academics, would do well to join librarians in their efforts to protect the right of everyone to use libraries without threat of restriction or surveillance.

In an April 9 *The Nation* article, "The F.B.I.'s Invasion of Libraries," Natalie Robins reported on the experience of librarians who were visited by FBI agents, and recounted interviews with FBI Director William Sessions and other FBI representatives who explain their rationale for the Library Awareness Program.

March 1988

Nearly half the streams in the mid-Atlantic and southeastern states are acidified or are in danger of acidification, according to preliminary data from an Environmental Protection Agency survey. The data, released by the Natural Resources Defense Council, shows that the effects of acid rain are more serious than previously estimated for thousands of streams in the two regions, said Deborah Sheiman, a NRDC resource specialist. Sheiman said the analysis was based on preliminary results of the EPA's National Streams Survey internally circulated in February 1987 and obtained by the NRDC. The environmental group was denied a Freedom of Information Act request for the final data, she added. She accused the agency of "sitting on" the data so as not to fuel efforts in Congress to control factory emissions of nitrogen oxides and sulfur dioxide, which acidify in the atmosphere and descend as acid rain. Bill Fallon, an EPA acid rain research specialist, said he knows of "no radical differences" between the preliminary data and the final report scheduled for public release in late May or early June. ("Stream Acidification Alarms Nature Group," *The Washington Post*, March 23)

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In the March 23 *Federal Register*, pp. 9468-69, the Department of Commerce International Trade Administration announced that the agency is improving the Trade Opportunities Program by changing the manner in which TOP leads are distributed to the U.S. business community. TOP leads identify export and investment opportunities for qualified U.S. suppliers. In the future, TOP leads will be available electronically to persons, firms, and organizations via the Department's Economic Bulletin Board. Fifteen days of historical TOP leads will be available online at all times. Private-sector publishers, trade associations, and other multiplier groups are encouraged

to download the complete file, add value, and redistribute the information in printed or electronic form. Subscriptions to TOP leads through the Economic Bulletin Board are available through NTIS for a one-year subscription charge of \$25 plus connect time which ranges from \$3-\$6 per hour. Users outside the Washington area will incur long-distance telephone charges in addition to the above fees.

The notice said due to declining subscriptions, Commerce-published daily TOP Notice and weekly TOP Bulletin hard copy subscription services have been discontinued. The agency says that they have increased the public's access to TOP leads through a variety of public and private venues. Organizations and individuals without communication capabilities have access to TOP information within two to three days through commercial and public newspapers and newsletters. "Private sector distribution of TOP leads in both printed and electronic form will serve former subscribers to these publications better by providing daily leads at a comparable or lower cost."

In its February 1988 *Administrative Notes*, GPO notified depository librarians that the TOP Bulletin has been discontinued in paper effective with issue No. 36, August 31, 1987. In the meantime, DIALOG, a commercial database vendor, has mounted *Trade Opportunities Weekly* at \$45 per connect hour with a charge of \$.50 per full record printed offline. (*DIALOG Database Catalog*, no date indicated)

Government restrictions on the flow of scientific and technical information undermine economic competitiveness and national security rather than increasing them according to a report, "Government Information Control: Implications for Scholarship, Science, and Technology." Written by Harvard University's John Shattuck and Muriel Morisey Spence, the report was released by the Association of American Universities in Washington, D.C. A condensed version appeared in the April issue of *Technology Review*. The report states that the federal government has widened export laws to include scientific and technical ideas as well as manufactured items, making it illegal to discuss certain kinds of information with citizens of foreign countries. Since many faculty and graduate students now doing scientific research in American universities are foreign nationals, such a restriction could have an inhibiting effect on scientific progress.

Another area of immediate concern is a proposal unveiled in March by the Reagan Administration to amend the Freedom of Information Act to restrict information on superconductivity. The report points out that few scientists from the Soviet-bloc nations participated in the recent flurry of breakthroughs in the area of high-temperature superconductors, chiefly because information restrictions imposed by their governments excluded them from the rapid exchange of ideas and data that took place within the rest of the scientific community.

The report also comments on the federal government's recent tendency to restrict the amount of information available to the public, a trend initiated by the Paperwork Reduction Act of 1980. In the name of cutting costs, the Administration has greatly reduced the amount of data it collects and publishes. In some cases, former government publications are now published by private firms, at much greater cost. Such cost-cutting measures can amount to censorship as well, according to the report. The report urges the new President to issue an executive order on information policy soon after his inauguration, reversing the recent trend toward restricted access to scientific and technical data. ("Report: Information Restrictions Threaten Competitiveness," *Harvard Gazette*, March 25)

March 1988

In an op-ed piece, Rep. Guy V. Molinari (R-NY) accused the Federal Aviation Administration of continuing an attempt to deceive the American people about the state of aviation safety. He said that in a pattern repeated regularly for more than four years, FAA officials have stressed a new set of statistics as the indicator of air safety, discarding their previously selected indicators because the numbers are not going their way. "The FAA refuses to accept standard and consistent statistical indicators of safety—near midair collision reports, runway incursions, operational errors—because it knows the numbers will eventually go against it. It switches to whatever statistic looks favorable at the time."

Molinari said that in the ultimate attempt to escape accountability, the FAA declared that none of the statistics can really tell us anything about safety. "The lack of any apparent correlation between various data bases makes it difficult to define and measure the overall safety of the nation's airspace," asserted FAA Administrator T. Allen McArtor. He thus promoted

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a program to develop new "safety indicators." Molinari concluded that the FAA has now given itself three years of not having to answer for safety declines. It will take until the end of this year to develop the new statistical system. Then it will take until early 1991 to have two years of data to compare. Such tactics severely affect the credibility of the FAA and further erode the public's confidence in air safety. ("The FAA's Statistics Won't Fly," *The Washington Post*, March 30)

April 1988

In an article, "Airline Deregulation: Economic Boom or Safety Bust?" in the April 1988 *Transportation Quarterly*, Vicki L. Golic of Penn State reported that safety-related information to enable consumers to make knowledgeable decisions about the trade-off between safety and economics is ensconced in the FAA's 1984 National Air Transportation Inspection report. The report is only available through the Freedom of Information Act at an approximate cost of \$10.

April 1988

At the same time that the FBI is warning technical librarians about the dangers of foreign intelligence agents using their facilities, the Reagan Administration is about to let a Dutch-owned firm run one of the federal government's technical libraries. The plan to contract out operation of the National Oceanic and Atmospheric Administration's central library has brought protests from members of Congress and library groups. They charge that the Administration's plan could place valuable scientific data in foreign hands and make a mockery of the FBI's program. The article quoted ALA congressional testimony: "Depending upon how it is used, by whom and for what purposes, this data could support actions hostile to the national interests of the United States." NOAA's extensive records about America's coastal waters would be an invaluable resource to an enemy submarine force. Nonsense, Administration officials said, noting that none of the materials in the NOAA library is classified.

The winning contractor based its bid in part around the promise of finding volunteers to help staff the library, filled with technical works on meteorology, hydrology, marine biology and oceanography. The government librarians said that was unfair and secured opinions from Labor Department officials backing their view. William Matuszeski, director of NOAA's office of private-sector initiatives, blamed the prolonged dispute on fears by library groups that the agreement would set a precedent for still more contracting out of government

library services. ("Foreign Control of NOAA Library?" *The Washington Post*, April 4)

April 1988

The *Annual Report to the President FY 1987* of the Information Security Oversight Office states that original classification decisions increased by 66 percent over FY 1986 to 2,030,770. The total of all classification actions increased 10 percent from FY 1986, to 11,855,898, but remained significantly below the level of classification activity for FY 1985. Among executive branch agencies, Defense accounted for 70 percent of all classification decisions; CIA 22 percent; Justice 6 percent; State 1.5 percent; and all others 0.5 percent. Under the systematic review program, agencies reviewed 13,087,655 pages of historically valuable records, 20 percent fewer than in FY 1986; and declassified 8,984,613 pages, 37 percent fewer than in FY 1986. Agencies reported 19,909 infractions, 44 percent more than in FY 1986. An appendix to the report contains a chronology of agency implementation of the Standard Form 189, "Classified Information Nondisclosure Agreement." It says that as of January 1, 1988, approximately 2,183,400 government employees have signed the SF 189.

April 1988

In a case pitting protection of national security against freedom of speech, on April 4 a federal appeals court upheld the conviction of a former Navy intelligence analyst who gave photographs of a Soviet ship to a British military journal. The case is the first in which a federal employee was convicted on criminal charges for disclosing government information to the press. ("U.S. Court Backs Conviction in Spy Satellite Photos Case," *The New York Times*, April 5)

April 1988

Former White House spokesman Larry Speakes, in his book *Speaking Out*, recounted two incidents in which he manufactured quotes and attributed them to President Reagan, including a widely reported statement issued when Reagan and Soviet leader Mikhail Gorbachev held their historic first meeting in Geneva in 1985. The other incident involved meetings of the President with his Cabinet and congressional leaders after a Soviet fighter plane shot down a Korean Air Lines passenger jet in 1983. Speakes said he decided to take Secretary of State George P. Shultz's words and put them in Reagan's mouth. "Since the president had had almost nothing to say during the . . . meetings, I made presidential quotes out of Shultz's comments . . .," he wrote, adding, "My decision to put Shultz's words in Reagan's mouth played well, and neither

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of them complained." White House reporters who used the quotes said there is a great difference between characterizing how a president feels about an issue or incident and manufacturing words. ("Things Reagan Never Said," *The Washington Post*, April 12)

April 1988

A federal appeals court panel, sharply rejecting Justice Department arguments, ruled that former president Richard M. Nixon may not automatically block release of his presidential papers by claiming they are protected by executive privilege. The three-judge panel, saying the department's arguments were based on a "misunderstanding of the Constitution," unanimously concluded that the National Archives, which has the documents, has the authority to rule on any executive privilege claims. Nixon could then have the option of going to federal court to overturn the archivist's ruling. The decision is the latest in a long-running legal battle over 42 million pages of documents and 880 tape recordings seized by Congress in 1974 when it passed the Nixon Papers Act in order to "provide the public with the full truth, at the earliest reasonable date, of the abuses of government power" during the Watergate period. ("Court Diminishes 'Executive Privilege,'" *The Washington Post*, April 13)

April 1988

Two California members of Congress, Reps. Robert Matsui and Norman Mineta, said that language proposed for use on the 1990 census questionnaire, intended to determine the number of Asians in the United States, will confuse respondents and lead to inaccurate counts. They criticized the Bureau of Census' decision to delete specific ethnic categories that Asian Americans and Pacific Islanders were required to check off. Respondents will be asked instead to write in the designation of their heritage: Chinese, Japanese, Korean, or Filipino. Matsui said the number of Asians and Pacific Islanders settling in the United States increased sharply since 1980. If the ethnic groups are not counted accurately, the group's health, education, and welfare concerns will not be recognized, he said. Dr. John Keane, Director of the Census Bureau, said the listing of nine categories was eliminated to conserve space on the forms, and accurate tallies were still possible.

Keane said the 1990 questionnaires would be shorter than the 1980 forms, and would encourage more people to respond. The Bureau has been working with OMB to devise a census

that will meet all data needs while reducing the number of questions. "How can a system in which Asian Americans must write in their sub-group be superior to a checkoff system?" Matsui asked. "It simply defies common sense, especially given the language barrier faced by many Asian Americans." ("Congressmen Fear Skewed Count in Census," *The New York Times*, April 17)

April 1988

The Interior Department "grossly underestimated" the value of federal irrigation subsidies in a report to Congress two months ago, according to Rep. Samuel Gejdenson (D-CT), chairman of the Interior and Insular Affairs general oversight and investigations subcommittee. He said that the true subsidy may be more than twice the \$9.8 billion calculated by the Bureau of Reclamation. Gejdenson said internal documents show Interior officials ignored objections from its economists and OMB, and used a calculation method designed "to provide the Congress with the lowest possible estimate of the value of BuRec irrigation subsidies." He continued, "American taxpayers who have footed the bill for the BuRec irrigation program have a right to know about Interior's activities in this area." ("Interior Dept. Appraisal Blasted," *The Washington Post*, April 22)

April 1988

Judge Gerhard A. Gesell of the Federal District Court in Washington, D.C., preparing for the Iran-Contra case, accused the government of intentionally withholding documents from the defense and warned he would dismiss the indictment unless they were turned over. "A stone wall is being built up between this court and the trial," he said, blaming the government for the "intentional withholding of documents necessary for the defense." The judge placed the responsibility for delays on the Attorney General and the White House. ("Judge in Iran-Contra Case Says Administration Is Withholding Data," *The New York Times*, April 28)

April 1988

Secretary of State George P. Shultz, who has repeatedly threatened to resign rather than be forced to take a polygraph examination, told the Senate Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary that he is authorizing a program of "voluntary" polygraphs for State Department employees. Shultz said his new program will authorize "lie-detector testing" at State "with the voluntary consent" of the individual under three circumstances: during criminal or security investigations after other reasonable investigative

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steps, when an employee requests such a test for the purpose of clearing his or her name, or when an employee volunteers to work in or with an intelligence agency that requires such tests. After the hearing, Sen. Ernest Hollings (D-SC), who chairs the subcommittee, said that he continues to believe in use of polygraphs as a deterrent to improper conduct. He did not object to the program announced by Shultz. ("Shultz Backs 'Voluntary' Polygraph Tests at State," *The Washington Post*, April 29)

April 1988

OMB Watch documented the March refusal by OMB to approve the Environmental Protection Agency's reporting and record-keeping requirements to monitor drinking water contamination. Reasons for refusal included that a disproportionate amount of the burden and costs fell on small systems. Environmentalists charged that because these are the systems that serve rural areas, public health is threatened without the EPA data. Environmentalists also said OMB recommendations to reduce the length of time EPA must keep sampling data from five to three years, reduces the ability of people to see trends in their community's water quality. ("Public Water System Program Information," *MONTHLY REVIEW*, April 29)

May 1988

Journals are being thrown out and two of seven employees have been transferred at the Department of Health and Human Services Library and Information Center. These are the first steps of a plan to phase out the library and contract out most of its services. By June 30, the library is scheduled to be reduced to a general reference collection and two "information brokers," who will operate computers and seek references from other agency libraries, and a fee-based library service at a local Washington, D.C., university. A tiny, angry battle is being fought over the library. In letters to members of Congress, the staff wrote: "If this plan is allowed to succeed it could result in a precedent-setting situation in that other Federal managers could see this as a way of abolishing their own libraries and turning over the research needs of their department to the private sector. The impact on this to Federal research facilities could be devastating."

Hallet Duncan, director of administration services at HHS, said the move was the result of budget reductions and an effort to use new technologies to run a more efficient information service than HHS has currently. The library staff does not buy that argument. Included in the part of the collection that the

department plans to give away is "the only comprehensive collection of internal Department of Health and Human Services publications." ("Loss of a Library," *The New York Times*, May 10)

May 1988

In an opinion piece, William B. Schultz and David C. Vladeck said that in the past seven years, OMB has taken on a new role that has had a chilling effect on regulations designed to protect consumers and workers. They used the case of asbestos as an example. In the early 1960s, asbestos was identified as a hazard that killed thousands of people annually, and in 1984 EPA proposed to phase out this substance over 5 to 15 years. But the proposal, like every important regulation issued by federal health and safety agencies during the Reagan Administration, had a major hurdle to overcome: OMB.

OMB performed a cost-benefit analysis, balancing the lives that would be lost if asbestos were permitted to be used in products, such as insulation, against the cost to industry of a ban. OMB officials decided that a life is worth \$1 million, but then used an economist's tool called "discounting" to adjust for their expectation that most people would not die from asbestos-induced cancer until many years after their initial exposure. Using discounting, OMB's economists calculated the adjusted value of a human life at \$208,000. OMB found that the regulation was not justified because its costs exceed the value of human lives saved, and sent it back to EPA for revision. EPA's final decision is not expected until this summer. ("An Obstacle to Public Safety," *The Washington Post Health*, May 10).

May 1988

Top Army officials waited until early May to warn troops in the field that they had been using potentially defective bolts to repair tanks, TOW missile carriers, and other major weapons systems two years after the Pentagon discovered its supply depots were flooded with faulty hardware. "We did not do what you thought we'd do first—get the word out," Lt. Gen. Jerry M. Bunyard of the U.S. Army Material Command told the House Energy and Commerce subcommittee on oversight and investigations at a hearing. Army officials also told the panel that the military is continuing to buy bolts from contractors that provided faulty hardware to the Pentagon in past years. Congressional committee staffers said they have received reports of complaints from West German authorities charging that American tanks were losing so many bolts

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along the roadways that it was becoming a safety hazard for civilian motorists. ("Warning on Faulty Bolts Issued Belatedly to GIs," *The Washington Post*, May 10)

May 1988

In the May 16 *Federal Register*, p. 17239, the Department of Defense announced that it is "firmly committed to reducing the amount of data acquired from contractors under defense contracts." DOD is seeking public comment by July 15 to help identify which Data Item Descriptions can be eliminated or improved so that the paperwork burden on the public can be reduced.

May 1988

At a May 17 Senate Judiciary hearing chaired by Sen. Patrick Leahy (D-VT), FBI Director William Sessions released the unclassified version of a report, "The KGB and the Library Target 1962-Present," as the Bureau chief defended the Library Awareness Program. The report said a 26-year Soviet operation has targeted the Library of Congress, along with scientific and technical sections of public libraries, specialized department of university libraries and large information clear-houses. None of the information is classified, but the FBI said the Soviets try to recruit library personnel who are first asked to obtain public information, and later requested to turn over classified material. Sessions testified that only in the New York City area are librarians asked to provide information on any suspicious individuals. He insisted that elsewhere the FBI is "following specific investigative leads." Patrice McDermott of the ALA Office for Intellectual Freedom said the FBI has asked for generalized information outside New York. In addition, some agents have asked for information on an individual and then tried to enlist librarians as informants on any library users they regard as suspicious. ("Longtime Soviet Espionage Effort Target U.S. Libraries," *Washington Times*, May 18)

[Ed. note: Three pages of the 33-page FBI report are excerpts from an April 6, 1987, *New York* article, "I Spy," an account of how a Queens College student helped catch Soviet agent Gennadi Zakharov in 1986. The FBI frequently points to the Zakharov incident to justify its Library Awareness Program. Yet, the article shows: the student was not recruited in a library; he contacted the FBI concerning his suspicions about the "professor" who wanted him to conduct research; the FBI paid the student while he made photocopies from library materials and took microfiche; the job the student took after graduation was arranged by the FBI; and the classified informa-

tion involved was what the FBI provided the student to give to Zakharov when the FBI wanted to arrest the Soviet.]

May 1988

The U.S. 9th Circuit Court of Appeals upheld an October 1986 ruling that struck down the regulations used by the U.S. Information Agency to certify educational films for export. "The regulations are so ambiguous that they provide USIA officials with a virtual license to engage in censorship," said the unanimous decision written by Justice Cecil F. Poole. The filmmakers received a related victory recently when the Los Angeles District Court ruled that the agency's rewritten regulations allowing it to label some films as "propaganda" also were unconstitutional. The judge ordered USIA to certify immediately the six films whose producers filed the suit and to draft another set of regulations that do not discriminate because of content. ("USIA Loses Film Appeal," *The Washington Post*, May 19)

May 1988

Decisions on the content and coverage of the 1990 Census of Housing are coming to a head. Key policies governing the number of housing questions, and whether they will be enumerated in a way to provide accurate data for sub-groups in the population and by blocks in cities and small areas in rural constituencies will be made by June 1988. The key congressional action will be by the House Subcommittee on Population and Census headed by Rep. Mervyn R. Dymally (D-CA). Following congressional review of the Census Bureau proposals for the final content of the 1990 Census, the Bureau must present its proposals to the OMB for final approval by the end of June. The OMB proposals to cut housing questions and the size of the sample are not based on any potential cost-saving, which would be minimal, but on respondent burden in answering the questions, and on a presumed improved data accuracy. ("Key Questions on Census Will Be Answered Soon," *PA Times*, May 20)

June 1988

W.R. Grace & Co. pleaded guilty at the end of May to charges that it lied to EPA about the amount of toxic chemicals used at a plant in Woburn, Mass., where contaminated water has been blamed for eight leukemia deaths. The Grace Co. was fined \$10,000 for misleading the government, a felony violation. "They said they bought one 55-gallon drum of trichloroethylene in 1973," EPA regional administrator Michael Deland said. "In fact, they bought a substantial amount and it was in continuous use from the 1960s through 1975." According

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to court documents, the company also failed to tell the EPA it had used vinyl chloride, carbon tetrachloride, methylene chloride and other solvents at the plant, which manufactures food-processing equipment. In its plea, Grace acknowledged that it misinformed the EPA about its purchases of acetone, but the company continued to assert innocence. ("W.R. Grace Pleads Guilty To Lying on Chemical Use," *The Washington Post*, June 1)

June 1988

A U.S. District Court judge struck down a Congressional provision that bars the Reagan Administration from requiring government workers to sign secrecy pledges during the first ten months of 1988. The ruling said that the provision contained in a spending resolution passed by Congress in December 1987 unconstitutionally intruded on the President's power to protect government secrets. The security forms in question are SF 189 and Form 4193 which have been criticized by members of Congress who contend that they stem the flow of information to Capitol Hill. All suits were dismissed except several claims by the American Federation of Government Employees that the secrecy agreements violated employees' First and Fifth Amendment rights. Patti Goldman, an attorney for Public Citizen Litigation Group, said the plaintiffs planned to appeal. ("Bar on U.S. Secrecy Pledges Lifted," *The Washington Post*, June 2)

June 1988

The National Security Archive and People for the American Way have sued the FBI to gain access to documents related to the Library Awareness Program. Requests under the Freedom of Information Act have not produced any documents. "The program is running roughshod over Americans' rights," said Arthur J. Kropp, president of People for the American Way. "In their eagerness to catch spies who might be gleaning publicly available, yet somehow sensitive, information from American libraries, the F.B.I. appears to be casting a net so broad in its scope that ordinary citizens engaged in harmless research could easily become enmeshed in a web of suspicion." FBI officials would not comment on the lawsuit. ("FBI Sued Over Its Program to Catch Spies in Libraries," *The Chronicle of Higher Education*, June 8)

June 1988

Nearly every business day, the U.S. government releases one indicator or another, from the Consumer Price Index and capacity utilization to retail sales and housing starts. Too often the overall impact of the numbers is to generate confusion

and anxiety. Some of the statistics are subject to repeated revisions. Others fluctuate so wildly from month to month that they seem almost useless. Using the example of recent dramatic shifts in the gross national product, the article describes how sometimes accuracy is sacrificed to get numbers out quickly. Some of the government's economic compasses may be poorly constructed as well. Examples used include the index of leading economic indicators and the unemployment rate.

While the government is striving to improve statistical accuracy, the effort has been repeatedly undermined by budget constraints. Federal funding for the compiling of statistics has fallen from \$1.7 billion in 1980 to \$1.6 billion in 1987, although the cost of gathering data has gone up. As Congress struggles to shrink the budget deficit, chances seem slim that something as unglamorous as statistics will survive the ax. ("A Mess of Misleading Indicators," *Time*, June 13)

June 1988 In a commentary, Victor Cohn says that to a large and alarming extent, doctors do not know what they are doing. Not that they are uninformed, but that in hundreds of illnesses doctors do not truly know which works better, a particular treatment or none at all. This is the gist of important new statements on a huge lack of information about the real outcomes of the things that doctors do to us. The government's role in assessing medical technologies has so far been either missing or stumbling, despite the billions in taxpayers' dollars that have been spent without firm information since Medicare was launched in the 1960s. Recent OTA and GAO studies recommend steps that the Administration and Congress might take to gather better data and use it to improve care. ("What Doctors Don't Know: A Major Proposal," *Washington Post Health*, June 14)

June 1988 The Federal Maritime Commission has shelved plans for an electronic tariff-filing system until it can reach an agreement with OMB and Congress on whether users can gain access to the system directly or whether they have to use third-party providers. FMC's proposal for its Automated Tariff Filing and Information system called for an open system in which anyone equipped with a microcomputer and a modem could tap into the agency's database of tariffs filed by cargo shippers, carriers, and terminals. But on April 27, the day before the bidders' conference, OMB told FMC to reconsider its ATFI

proposal, saying the system would improperly compete with commercial tariff information firms.

Government sources said that Transax Data Corp., the only vendor providing third-party online access to FMC tariff information, has been vigorously lobbying Congress and OMB to stop the proposal for direct remote access. A company official said Transax would likely bid on the electronic tariff filing system when a request for proposals appeared. Although Transax attorney Ron Plesser acknowledged that Transax business would be severely affected by an FMC system with open access, he said that the information industry as a whole would suffer a loss, "How can you compete against the government?" he said. Plesser said the issue is broader than just one federal computer system because it affects how the government enforces its Circular A-130, which restricts agencies from competing with the private sector. "It's a major policy issue whether A-130 means anything." ("Disputes Put FMC's Tariff System on Hold," *Federal Computer Week*, June 13)

[Ed. note: The FMC issued a Report on Tariff Automation Inquiry in the April 20 *Federal Register* which summarizes industry, public, congressional, and agency views on the Commission's proposed ATFI. Discussed are public access to agency records, copyright policy, consulting with public users, user fees, competition with the private sector, cost-benefit analysis, and dissemination and access to information.]

The burgeoning scandal of widespread corruption and fraud in government contracting is shedding light on the long-standing and sometimes close relationships between defense contractors and former military officials they hire as consultants to help with lucrative contracts. These consultants are hired because of their connections, their information, and their sophistication in dealing with the procurement process. Those in the industry who would comment said defense procurement consultants have become an important part of the way defense contractors do business in times of shrinking defense budgets, when winning or losing a contract often depends on knowing early what the military wants and what other contractors are up to. "To do that, you have to have a lot of information and access," said Gordon Adams, director of the Defense Budget Project. In a description of one consulting firm, the price tag for a one-man consulting job is given as

\$1,075 a day. ("Probe Sheds New Light on Pentagon Consultants," *The Washington Post*, June 16)

June 1988

The FBI's Library Awareness Program was attacked by librarians at a June 20 hearing of the House Judiciary Subcommittee on Civil and Constitutional Rights, chaired by Rep. Don Edwards (D-CA). Witnesses said that the program to monitor the use of American libraries by Soviet-bloc spies posed a threat to the free flow of information that was greater than the threat of Soviet espionage. Edwards said the program was "revolutionary in American society." He said he had discussed his concerns with Bureau officials, but "to be candid, we've had very little success in getting the F.B.I. to understand that we in Congress are very much concerned about this issue." An FBI statement was distributed at the hearing, but the scheduled FBI witness, James Geer, did not testify.

Those who did testify were uniformly critical of the program. Witnesses were C. James Schmidt and Judith Krug, ALA; Duane Webster, Association of Research Libraries; David Bender, Special Libraries Association; Paula Kaufman, Columbia University; and Herbert Foerstel, University of Maryland. ("F.B.I. Search for Spies in Libraries Is Assailed," *The New York Times*, June 21)

June 1988

A General Accounting Office report sharply criticized the quality of research on key health policy issues by the Department of Health and Human Services' Health Care Financing Administration. The GAO study says reports to Congress from the agency often are "not fully responsive" to Congress' questions, are "frequently late" and are "variable in their technical accuracy." Rep. Ted Weiss (D-NY), who released the GAO study, also questioned whether the reports are being politically doctored by officials before being sent to Congress.

The GAO study said that of 28 reports mandated by Congress and due at various times before the summer of 1986, "26 were delivered late or were still overdue, some by more than two years." GAO said a major source of delay was extensive review of the reports—produced by the HCFA Office of Research and Demonstrations—by other Medicare and HHS officials and the Office of Management and Budget. Of ten specific research projects GAO reviewed, failure to focus on relevant information was a problem in five. Weiss said, "If policies

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are made on the basis of inadequate or misleading information . . . then we can expect health care to deteriorate." Glenn Hackbarth, deputy director of the Medicare program, said that sometimes questions cannot be answered within the assigned time because of lack of data and analytical tools. ("GAO Study Assails Medicare Agency's Health Policy Research," *The Washington Post*, June 27)

June 1988

In papers filed in Federal District Court in Brooklyn, Henry E. Hudson, the United States Attorney at Alexandria, Va., disclosed that people under investigation in the Pentagon fraud case had destroyed documents, and he expressed fear that others were ready to do the same. Arguing against the public release of sealed affidavits used to obtain the search warrants, Hudson confirmed that prosecutors were engaged in negotiations with people in the case that could lead to their cooperation. A motion asking a federal magistrate to unseal the material had been filed by *Newsday*, a New York newspaper. A statement submitted described the document destruction. It did not provide specifics about which people or companies were involved. ("Documents Destroyed by Targets of Pentagon Arms Fraud Inquiry," *The New York Times*, June 30)

July 1988

Reflecting a growing debate about national security and academic freedom, University of California libraries are dropping a scientific information service offered by the National Aeronautics and Space Administration rather than restrict its use to United States citizens as the federal government requires. Calvin Moore, UC's associate vice president for academic affairs, recently urged all UC libraries to cancel existing contracts for the NASA RECON service and to avoid signing any new ones. In a letter to the nine campuses, Moore said, "There are grounds to question the authority of a federal agency to impose such a restriction in the absence of express congressional authorization."

The citizenship restriction on use of the NASA RECON database violates UC policy against discrimination and would be very difficult to enforce because there are so many foreign students at UC campuses, university officials said. In addition, university librarians fear prosecution if they give, even inadvertently, the NASA material to the wrong person. At UC Berkeley, head librarian Joseph Rosenthal said he recently canceled NASA RECON because "all of our information is at

least conceptually available to anybody who comes in our doors." UCLA and UC Berkeley will sign up for a competing information service that allows use by foreigners not working on behalf of foreign governments. However, that other research system is much more expensive and, according to NASA, includes only about half of the listings in the NASA database. ("UC Libraries Quit NASA Databank in Rules Dispute," *Los Angeles Times*, July 3; "Libraries Discontinue NASA's Data Service," *The New York Times*, July 5)

July 1988

Jack Anderson and Dale Van Atta wrote that President Reagan has used the words "national security" to hide his policymaking from the public over the past eight years, and some of those policies strain the definition of national security. They said that when he came into office, the President "began drawing a blanket of secrecy over the workings of government." He revitalized the system of setting White House policy in the form of National Security Decision Directives (NSDDs). The directives are classified, meaning the public does not see them. Even members of Congress learn about them irregularly or by accident.

Many of the nearly 300 NSDDs issued by Reagan during his tenure contain legitimate national security secrets. But others set policy on things that beg for public debate and may cross over into Congress' territory. Using NSDDs, the President established a U.S. research and development policy in the Arctic, committed U.S. resources to feed poor nations, set U.S. space program policies, authorized covert actions and controlled scientific research at federally funded institutions. Government watchdog groups such as People for the American Way say the NSDDs are secret laws, and lawmaking is the job of Congress, not the president. NSDDs are supposed to be declassified when their disclosure no longer risks national security. People for the American Way has drawn up a list of suggestions for the next president. The list includes publishing directives issued through the National Security Council in the *Federal Register* like other executive orders. ("Government by Secret Directive," *The Washington Post*, July 10)

July 1988

The United States government has joined Polish emigres in a major effort to help Solidarity and the Polish underground smuggle publications, printing machinery, radio equipment and video cassettes into Poland. The publications include

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thousands of books and journals highly critical of the Communist system and the Polish leader Gen. Wojciech Jaruzelski. Over the last three years, the United States has provided more than \$5 million in cash assistance to Solidarity and other groups opposed to the Warsaw government. Some of the money is openly appropriated by Congress. Some is provided through the National Endowment for Democracy, a private nonprofit corporation that receives almost all its funds from the federal government. The fact of American support for Solidarity has been known, in general terms, for a few years, but a full picture of this role emerged in recent weeks from an examination of government documents and interviews with American officials and Polish emigres. ("U.S. Helping Polish Underground with Money and Communications," *The New York Times*, July 10)

July 1988

A government plan to equip 52,000 pharmacies with computers to keep track of the medications and drug expenditures of 32 million Medicare beneficiaries has aroused concern about privacy. The federal computer system, as planned by the Department of Health and Human Services, would determine quickly whether a patient qualified to receive a drug as a benefit and whether the \$600 annual deductible to participate in Medicare had been paid.

Critics say the plan poses a threat to individual privacy and offers too much power to organizations that collect and collate such data. Rep. Don Edwards (D-CA), chairman of the Judiciary Subcommittee on Civil Rights, said the plan was "fraught with danger." Supporters say computerized information can be protected from abuse and computerization has made many social advances possible. Louis Hays, associate administrator for operations at the Health Care Financing Administration said state laws, as well as pharmacists' own code of ethics, precluded pharmacists from disclosing information about their customers.

David Burnham, author of *The Rise of the Computer State*, said government agencies sought access to computerized records of rentals of library books as well as telephone logs and credit card records of restaurants, hotels and motels frequented by the card user. "The gradual accretion of information by large organizations is reducing the power, independence and spontaneity of the American people," Burnham

said. ("U.S. Plan for Computer Records on Medicare Patients Draws Fire," *The New York Times*, July 17)

July 1988

The Pentagon has made weapons tests far too easy and has misrepresented negative results, making it impossible to determine whether weapons should be fielded or scrapped, according to a GAO survey. The GAO concluded that the Navy bought the Aegis battle system—which the cruiser U.S.S. Vincennes used when it shot down an Iranian jetliner over the Strait of Hormuz July 3—despite tests that raised numerous serious questions about its performance. It now appears that the Vincennes's Aegis system gave the crew information about the altitude and climb of the passenger jet that was inconsistent with information from other sources. ("GAO Says Weapons Tests Too Easy, Data Misused," *The Washington Post*, July 18)

July 1988

The Securities and Exchange Commission transferred the management of its public reference room yesterday after critics charged that restricting public access to files could give a private contractor exclusive control over public information. The SEC said it was closing access to the microfiche files because too many of them were missing or misfiled. The moves follow protests last week by regular users of the reference room to the sudden June 20 closing of the microfiche files, a vital source of information about publicly traded corporations, registered investment firms and the stock market. The journalists, legal experts and representatives of firms that sell SEC filings through computer links to corporate and institutional clients said closing the microfiche files abridged the public's right to information.

In addition, the critics said closing the files give Bechtel Information Services, the SEC's unpaid exclusive contractor for copying and microfilming, a *de facto* monopoly over public information. Rep. Glenn English (D-OK) called on the GAO to investigate the Bechtel contract and the operations of the public reference room. "Maintaining timely public access to documents filed with the SEC is crucial to the operation of the nation's capital markets," English said in his letter to the GAO. "Any interference with public access could have serious repercussions on Wall Street and throughout the nation." ("SEC Resumes Management of Its Public Files," *The Washington Post*, July 20)

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AFL-CIO economist Markley Roberts warned that OMB will subvert the activities of federal statistical agencies if proposed guidelines are implemented requiring OMB review of all government statistics before they are cleared for publication. Roberts questioned OMB's need to know all the possible uses of data and to review statistical publications prior to their release. "OMB has actively tried to subvert legislation enacted by Congress to protect the health and safety of workers and the general public," he declared. Statistical agencies like the Census Bureau, Bureau of Economic Analysis and the Bureau of Labor Statistics would be affected. ("OMB Review Perils Federal Data," *AFL-CIO News*, July 23)

July 1988

The legal battle between documentary filmmakers and the U.S. Information Agency over questions of censorship and freedom of speech escalated when USIA Director Charles Z. Wick said that if the USIA loses in court he will recommend the United States withdraw from an international cultural exchange agreement. The 40-year-old Beirut Agreement allows educational films to be distributed abroad duty-free. U.S. withdrawal from it would make many markets financially inaccessible to independent filmmakers. The filmmakers who filed suit claimed that USIA methods of certifying educational films for export are unconstitutional, effectively penalizing films with which the USIA disagrees politically. California courts have ruled three times against the USIA, ordering the agency to draft new guidelines for deciding whether a film comes under the agreement. The USIA has appealed. ("Wick, Heating Up Film Battle," *The Washington Post*, July 27)

August 1988

In a 1987 edition of *The Reference Librarian* received in August 1988, Sara D. Knapp of the State University of New York at Albany documented the impact of OMB Circular A-130, "Management of Federal Information Resources," both in terms of its effects on federal government information gathering and reporting programs, and the reference service offered by libraries. She provided a number of examples of affected information resources, including discontinued publications and some turned over to commercial sources for dissemination. ("OMB A-130: A Policy Which Could Affect Your Reference Service," *The Reference Librarian*, Number 20, 1987)

August 1988

Federal nondisclosure agreements will drop the use of its controversial prohibition against the disclosure of "classifiable information" in new secrecy pledge forms being prepared

for federal workers, according to Steven Garfinkel, head of the General Services Administration's Information Security Oversight Office. Garfinkel said that the government is now deciding what to do about the two million federal workers who have already signed forms using the term. U.S. District Court Judge Oliver Gasch ruled on July 28 that use of the word "classifiable" without further definition is unconstitutional. Federal unions and several members of Congress argued that the use of the word would have a chilling effect on the flow of legitimate information to Congress and the public. Federal workers would be afraid to disclose anything for fear it would later be classified and they would be held liable. The offending form, Standard Form 189, has not been used for more than a year. ("Secrecy Pledge Forms to Be Revised," *The Washington Post*, August 3)

August 1988

The National Academy of Public Administration announced in July it will undertake a study for the National Archives and Records Administration on the impact of electronic technology on federal government record-keeping. The study will address concerns over potential loss of federal records which have been created and stored on electronic media and which document historically important policies, decisions, and events. ("Electronic Technology and Federal Records," *PA TIMES*, August 12)

August 1988

The Department of Commerce asked for public comment on their proposed policies on dissemination of information in electronic format from a selected group of organizations. The August 11 letter from Richard E. Shute, Director, Management and Information Systems, said that Commerce was implementing OMB Circular A-130, "Management of Federal Information Resources." In an October 13 letter, ALA Washington Office Director Eileen Cooke urged that a revised draft be published in the *Federal Register*, observing that the August draft should have been published in the *FR* since this policy may well be adopted by many agencies. She pointed out ALA's disagreement with some of the basic assumptions of the August draft: over-emphasis on cost-savings versus appropriate format to meet information needs; over-emphasis on private-sector involvement; rigorous application of OMB policies which ALA and many others have opposed. As a result of public and Congressional comment, it is anticipated that a revised draft would be published as a proposed policy in the *FR* during January 1989.

August 1988

August 1988

The White House barred federal agencies from cooperating with a General Accounting Office investigation into alleged drug trafficking by Gen. Manuel Noriega of Panama. White House spokesman Marlin Fitzwater said the Justice Department had concluded that "the subject matter of the request is beyond GAO's statutory authority." Heretofore, the Administration had been telling the agencies—the National Security Council, the Central Intelligence Agency, the Drug Enforcement Administration, and the departments of Defense, State and Justice—not to cooperate until the NSC could review the request for documents by the GAO. Sen. John F. Kerry (D-MA) charged that the Administration was engaged in "a concerted stonewalling" of the GAO investigation. Kerry is chairman of the Subcommittee on Terrorism, Narcotics and International Communications, which requested last March that the GAO investigate "how information about drug trafficking by high-level government officials of nations friendly to the United States affects US foreign policy decisions." ("White House Bars Aid to GAO's Noriega Probe," *The Boston Globe*, August 19)

August 1988

A House Government Operations Committee report charged that the Veterans Administration has been unfair to thousands of veterans and has concealed its own findings of "error and bias." The VA provides \$14 billion a year in disability and pension benefits to about four million Americans. The report specifically accuses top managers of the Veterans Administration's compensation and pension service of repeatedly publishing "inaccurate and misleading" data that underreport mistakes made in processing veterans' benefits claims. The report, prepared by the Subcommittee on Human Resources and Intergovernmental Relations chaired by Rep. Ted Weiss (D-NY), said that agency officials were "trying to make themselves look good." ("Veterans Administration Draws Congress's Fire Over Errors," *The New York Times*, August 21)

August 1988

In October 1986, nearly two years before the Pentagon procurement scandal erupted, Rep. John Dingell (D-MI) wrote to President Reagan requesting a copy of his response to the Packard Commission, a presidential commission that had recommended an overhaul of the military procurement process. Reagan had written a response to the commission's suggestions, but it was classified secret under the guise of "national security." "Officials in your administration . . . are misusing national security classifications in order to withhold information from Congress," Dingell wrote. "This is unlawful and should

be immediately investigated." Dingell and his staff got a copy of the document they wanted from a source they decline to name. Now, Dingell is convinced, as he wrote to Reagan, that the White House staff used the "classified" stamp "to conceal an agenda intended to avoid more sweeping congressional reforms of the defense procurement system." ("Secrets for Security—or Politics?" *The Washington Post*, August 23)

August 1988

When the President signed PL 100-418, an omnibus trade bill, he overturned the long-standing ban on the import and export of informational materials from several countries covered by trade embargoes. Restrictions applying to the import of foreign publications, films, posters, phonograph records, photographs, microfilm, microfiche, tapes or other "informational materials" covered the export of American information materials as well. The restrictions were imposed under the Trading With the Enemy Act and the International Emergency Economic Powers Act. Trade embargoes applying to Libya and Nicaragua have exempted informational materials.

Language attached to the trade bill by Rep. Howard L. Berman (D-CA) lifted the trade restrictions, except in the case of classified material. "Imposing a regulation which keeps American publications, American periodicals and American ideas from getting into the hands of people in other countries, particularly totalitarian countries, made no sense whatsoever," Berman said. Morton H. Halperin, director of the Washington office of the American Civil Liberties Union, said the restrictions violated the spirit, if not the letter, of the First Amendment. "It was treated under the law just as if you were dealing with spare parts for trucks," he said. "Harm may come from giving spare parts to trucks to people in other countries, but it doesn't come from giving them books and materials." ("Lifting Embargoes on Information . . .," *The Washington Post*, August 25)

September 1988

In an article, "Restricting Information: A Dangerous Game," Robert L. Park, professor of physics at the University of Maryland and director of the Washington office of the American Physical Society, observed that in May 1988 the President was lecturing students in Moscow on the virtues of a free society, while in the U.S. the director of the FBI was defending the "Library Awareness Program" before a Senate committee. FBI agents had been visiting libraries asking employees to monitor the activities of "suspicious-looking people" or persons

with "foreign-sounding names." Park thinks that behind the FBI's recruitment effort is the conviction on the part of those responsible for keeping the nation's secrets that the traditional openness of American society is a weakness—and a threat to national security and economic health. Not content to restrict access through classification, the government had attempted to keep foreigners away from information termed "sensitive but unclassified." Now it seeks to control "commercially valuable" information.

Park points out that the same actions that delay technology transfer to our military adversaries or economic competitors inevitably impede the transfer of information within our own borders. He concludes: "Above all, we must remember that the openness of the American system is not a weakness; it is our strength. It is no doubt true, as the Defense Department and the CIA insist, that the KGB maintains an elaborate intelligence network aimed at the acquisition of Western technology. The fact is, however, that the backwardness of the Soviets' technology has little to do with what they don't know. They trail because of the overly bureaucratic and secretive Soviet system, and a stifled civilian economy." ("Restricting Information: A Dangerous Game," *Issues in Science and Technology*, Fall 1988)

September 1988 The September edition of the journal *Kommunist* contained an article by Vladimir A. Rubanov, a department head at a KGB Institute, which said that excessive secrecy in the Soviet Union has produced abuses of power, crippled scholarship and left citizens ignorant of basic information about their own country. He said that a cult of secrecy had dominated and damaged the country for decades. "The preservation of the secrecy cult in political practice and political thinking is a way of supporting faith in the infallibility of bureaucratic thinking and a chance for power to be used irresponsibly and uncontrollably in the narrow interests of small groups of people," the article said. The blunt attack on secrecy is particularly striking coming from the KGB, long the feared guardian of Soviet secrets. ("A K.G.B. Aide Attacks Secrecy, His Agency's Stock in Trade," *The New York Times*, September 8)

September 1988 A "breakdown in procurement and provision of microfiche services" to federal depository libraries has resulted in a huge backlog of undelivered materials, according to a letter sent by consumer activist Ralph Nader to then Public Printer Ralph E.

Kennickell, Jr. The July 26 letter says the events "disregard the rights of citizens to receive open and timely access to government information" and "reveal serious problems in the Government Printing Office's ability to manage the Depository Library Program."

The situation began in August 1987 when Automated Data-tron, Inc., the company that had produced the microfiche copies of government documents for federal depository libraries, defaulted on its contract. The Nader letter claimed that as a result of the defaults, libraries may not begin to receive the backlogged fiche for another six months. The letter blames the GPO problems on understaffing (due in part, it says, to Kennickell's failure to request adequate funding from Congress) and a disproportionate emphasis on the agency's sales program. Public Printer Kennickell discounted the charges as old news and "grandstanding." The Joint Committee on Printing has asked GAO to perform an audit of the GPO's microfiche procurement procedures. ("Nader Letter Blasts GPO Over Microfiche Delay," *American Libraries*, September)

September 1988 In a series of three articles, "Shaky Data: The Numbers We Live By," Stephen E. Nordlinger of *The Baltimore Sun* documented how numbers guide decisions in virtually every field of American life. He said that because bad statistics lead to bad decisions, there is an insatiable demand for accurate numbers—especially among the business and government leaders whose choices involve billions of dollars. Nordlinger stated that leading economists say the government is allowing its statistical base to deteriorate by choking off funds that would allow agencies to keep their figures abreast of the sweeping changes in the economy. The nation's two chief economic groups, the American Economic Association and the National Association of Business Economists, have issued recent reports expressing alarm about the threat to the statistical base. Government experts and the congressional Joint Economic Committee agree.

Although the economy has grown about 40 percent in size since 1976, the resources devoted to maintaining the government's basic statistics have stood still after discounting for inflation, according to the business group. For the federal government, the largest consumer of its own economic data, the consequences of faulty statistics could be catastrophic.

The Federal Reserve could tighten monetary policy unnecessarily slowing the economy and risking a recession. Or missteps could be taken in dealing with the budget deficit, since its estimated size depends on a reading of the economy based on economic statistics. For millions of Americans, federal data on the economy directly affect their economic future. For example, Social Security payments are tied to the rate of inflation, but 38 million elderly may be hurt by the current statistical yardstick because the government has yet to develop a gauge to measure high health costs and other special expenses of the elderly.

The first article contained numerous specific examples of how policy makers may be seeing a picture of the economy that is fundamentally distorted in a number of ways. The second described how OMB has exercised its clout to curb the ability of federal agencies to collect information on how the American economy is performing. The third detailed the controversy around the question of whether minorities and perhaps millions of other people, such as the homeless, will be nearly fully counted in the 1990 Census and whether steps must be taken to adjust the figures statistically to reflect this rapidly growing part of the U.S. population. ("Federal Cuts Weaken Statistics That Shape Decisions," *The Baltimore Sun*, September 11; "U.S. Agencies Seeking Statistics Run Into Roadblock," September 12; "Bitter Debate Rages Over Accuracy of U.S. Census," September 14)

September 1988 The conflict between American academic researchers and the keepers of U.S. government secrets is longstanding, but many academics and historians say that what they see as increasing restrictions on the flow of government information is compromising the integrity of classroom teaching and academic research. The Freedom of Information Act was amended by Congress in 1986 in part to aid academic research. Under the amendment, academic and journalistic research was considered of benefit primarily to the general public and was to be exempt from the bulk of fees incurred in processing a request for information. But many researchers say that government agencies are ignoring or perverting the intent of the amendment.

At an August 2 hearing before the Senate Judiciary Subcommittee on Technology and the Law, chaired by Sen. Patrick

Leahy (D-VT), several people testified that they had been denied fee waivers for academic research and forced to choose between paying hundreds of thousands of dollars for documents they had not seen or dropping the request. Paul Maccabbee, a researcher on the history of organized crime in Minnesota, testified that he waited four years for the FBI to respond to his letter appealing the denial of a fee waiver for his research.

Page Putnam Miller, the director of the National Coordinating Committee for the Promotion of History, acknowledged the need to classify many contemporary and covert government operations but objected to the "enormous amount of 30-year-old documents not declassified yet." Prof. Anna Nelson, who teaches history at Tulane, said, "The amount of material denied is changing the historical record." She described what she called a "trickle-down theory of scholarship." In one situation, five scholars are in a library studying recently declassified documents in their field. As they reach new conclusions, they introduce these into their classes perhaps five years later, and then in another five years it is in high school textbooks. ("Educators Assail U.S. Curbs on Access to Data," *The New York Times*, September 14)

September 1988 When the Pentagon procurement investigation broke into public view in June, there were quick, easy predictions from senior Justice Department officials that indictments would swiftly follow in what was described as one of the biggest defense corruption scandals of the post-war era. Sometimes, however, investigators hit unexpected roadblocks. In a search of consultant James Neal in June, FBI agents seized computer disks only to find that they could not run them on the agency's computers. So they subpoenaed Neal's vintage machine, gently suggesting in the subpoena that he might be kind enough to help the FBI agents by demonstrating how it works. When Neal sought to have the subpoena quashed, U.S. District Judge Albert V. Bryan, Jr., ruled that the government could have the computer for five working days. But, he added, "I don't understand a subpoena asking for assistance. The government will have to learn to work with the machine itself." ("Pace of Pentagon Probe Belies Predictions," *The Washington Post*, September 20)

September 1988 The Central Intelligence Agency let North Korean agents smuggle 86 high-performance Hughes helicopters out of the

United States and withheld the information from law enforcement officials for nearly a year, according to an NBC News report. Quoting U.S. law enforcement officials, NBC said the CIA knew of the plan but considered their source of information so sensitive that they did not pass on details to American law enforcement officials. NBC obtained a document showing that underwriter Lloyd's of London insured the helicopters against confiscation during their transport from Long Beach, Calif. to Belgium; the Netherlands; Hong Kong; and then to North Korea. U.S. authorities in California finally learned enough to seize a final shipment of 15 of the helicopters—the same model supplied by the United States to the South Korean army. South Korean military officers told NBC they fear North Korea may use the choppers in a cross-border attack. ("CIA Reportedly Mum as Copters Were Smuggled," *The Washington Post*, September 23)

September 1988 An exasperated U.S. District Court Judge Oliver L. Gasch told the government to notify immediately the two million federal employees who have been required to sign secrecy pledges of the definition of the material they are forbidden to reveal. Gasch ordered the government in August to notify federal workers of what it meant when it prohibited them from making public classified or "classifiable" material. He gave the executive branch 60 days. The Justice Department asked for more time, contending that it would be unable to reach two million workers in two months because some employees are difficult to contact. No notices have been sent while the request was pending.

The judge told the government that if it can get out paychecks every two weeks, it can get out secrecy notices. Gasch gave the departments and agencies 30 days, but remarked that the government had been so obdurate that he was almost inclined to declare the whole thing unconstitutional, according to Joseph B. Kennedy, general counsel for the Government Accountability Project, who argued the case. Steven Garfinkel, head of the General Services Administration's Information Security Oversight Office, said that the contested Standard Form 189 will be replaced by a new Form 312 that will not include the word "classifiable." ("Judge Orders U.S. to Define Secrecy Pledge for Work Force," *The Washington Post*, September 24)

- September 1988 The Information Security Oversight Office issued a final rule in the September 29 *Federal Register*, pp. 38278-80, providing for the issuance of Standard Form 312, "Classified Information Nondisclosure Agreement." The rule also modifies all previously executed copies of SF 189 to strike the word "classifiable" and to substitute in its place language that clarifies the scope of "classified information" as used in those agreements. The notice states: "Notwithstanding the changes in some of its language, the SF 312 does not in any way differ from its predecessor nondisclosure agreements with respect to the substance of the information that each is intended to protect."
- October 1988 "The General Accounting Office, the watchdog agency of Congress, has counted 50,000 systems of records in the federal government that are 'sensitive,' according to testimony before the House Subcommittee on Transportation Sept. 22. Not all of the systems include personal information; many are regarded as sensitive for other reasons, but none include classified data. Systems labeled as sensitive are covered by the Computer Security Act of 1987 (PL 100-235), which requires federal employees to have computer-security training." ("In Congress," *Privacy Journal*, October 1988)
- October 1988 In a critique of former President Nixon's "elaborate campaign to rehabilitate himself in the eyes of the American public and, more importantly, of history," author Bob Woodward pointed out that the National Archives has 1.5 million papers from the Nixon presidency and 4,000 to 5,000 hours of tape recordings from the Nixon White House. By invoking various privileges and exploiting the vague legalities of presidential papers, Nixon has succeeded thus far in blocking the release of 150,000 documents, according to the archivists. Woodward says that the historical record will be incomplete until another 4,000 to 5,000 hours of tape recordings and these documents are available. "Of course, Nixon's concern is that they contain the truth, which is exactly what his comeback is fighting." ("The Revisionist Nixon: Sinner in Shining Armor," *The Washington Post*, October 2)
- October 1988 Warned that a preliminary survey indicated that as much as 12 percent of Veterans Administration hospitals appear to have excessively high mortality rates, the VA's chief medical officer directed researchers to produce a smaller number. The decision by Dr. John A. Gronvall, the VA's senior medical executive, provoked an angry protest from the doctor in

charge of the survey, who complained that the action might be seen as "self-serving" and could make the VA "vulnerable to charges of a cover-up." Gronvall acknowledged in an interview that he ordered researchers to come up with a lower number earlier this year, fearing that the VA could not withstand the criticism that "inevitably" would result from comparison between its survey and another federal survey that found 2.5 percent of the nation's private hospitals had higher-than-expected mortality rates. ("VA Official Ordered Critical Hospital Survey Altered," *The Philadelphia Inquirer*, October 11)

A contract that the Securities Exchange Commission has given Bechtel Group Inc. to manage the SEC's public documents has stirred unexpected controversy. Critics charge that the \$4.5 billion San Francisco-based engineering and construction firm has taken unfair control of the flow of information out of the SEC, where 18,000 of the nation's largest companies file regular reports. Richard Harrison, managing director of Global Securities Information Inc., one of the small companies that competes with Bechtel to disseminate information from the SEC, complains, "The SEC is privatizing the public record." Meanwhile, Bechtel said it's not even making a profit on its SEC work, although observers familiar with the contract said it could be a potential gold mine.

With dwindling federal funds and pressure to move more government functions over to private industry, the problems with the SEC-Bechtel contract illustrate the type of questions that can be raised by such arrangements—questions of who should be allowed to profit from government information, and what effect such arrangements may have on competitors. Many of the service bureaus have complained that Bechtel's agreement with the SEC gives the company access to SEC filings before anyone else sees them, providing it with an advantage in supplying the information to its clients. One of Bechtel's marketing brochures boasts that Bechtel can get its clients "exactly the information they need, from the company that gets SEC filings first." The SEC and Bechtel deny the company has an advantage. Competitors also said staffing problems in the public document room cause delays of hours or days in obtaining documents requested from the SEC's files, forcing them to buy the information from Bechtel and then resell it to clients—sometimes at a loss.

The article quotes a commission official as saying that the SEC does not care who makes money disseminating its records, as long as the information is available to individuals and companies that need them. The SEC has a financial stake in making the arrangement with Bechtel work, because the commission could lose its access to free microfiche services if Bechtel or other qualified micrographics companies decide the SEC contract is not profitable enough. For its part, Bechtel said it is far from ready to throw in the towel on the SEC contract. ("Seemingly Perfect SEC Deal Stirs Controversy for Bechtel," "Washington Business" Section, *The Washington Post*, October 31)

October 1988

A *Time* cover story documented how the private contractors who ran the major U.S. weapons plants released huge quantities of radioactive particles into the air and dumped tons of potentially cancer-inducing refuse into flowing creeks and leaking pits, contaminating underground water supplies in a seepage that cannot be stopped. No one knows how many people may have been needlessly afflicted with such ailments as cancer, birth deformities and thyroid deficiencies—and no one in relevant offices seemed to care. Author Ed Magnuson said, "Operating secretly behind a screen of national security for more than four decades, the bomb-makers have single-mindedly, sometimes recklessly, pursued their goal: to churn out all the warheads the military believes, perhaps prudently, are needed to maintain the U.S. nuclear deterrent."

Recently, that attitude has begun to change. The Department of Energy in 1977 took over responsibility for the nuclear weapons network and finally seems bent on reform. "Far too belatedly, the whistle has been blown on government complacency, recklessness and secrecy. Under assault from congressional critics, citizen lawsuits and probing reporters, the private contractors and their see-no-evil federal supervisors have admitted to shocking practices and promised to clean up after their predecessors."

At a uranium-processing plant in Fernald, Ohio, it is estimated that 298,000 pounds of uranium wastes have been released into the air since the plant started, and 167,000 pounds of wastes have been discharged deliberately into the Great Miami River over 37 years. An additional 12.7 million pounds were placed in pits, all of which may be leaking. Sen. John Glenn (D-OH) is still awaiting an analysis he requested three

years ago from the Energy Department on whether such estimates are correct. DOE has admitted that the government was aware of these hazardous events at Fernald all along.

An enraged Ohio Governor Richard Celeste has demanded that the plant be permanently closed. "If a terrorist had buried it there, there would be an extraordinary and prompt reaction. In this case, it was our Government that buried the time bomb," he declared. "They have lied to us. Without a mechanism to oversee what they're doing, we can't trust them." ("They Lied to Us," *Time*, October 31)

November 1988 The Supreme Court agreed to decide whether Congress has the constitutional authority to block the Administration's program requiring federal employees to sign nondisclosure agreements. The case, *American Foreign Service Association v. Garfinkel*, poses significant questions concerning the constitutional separation of powers. In an editorial, *The Washington Post* stated: "It is heartening that a significant number of justices see this case as important, not only because of the separation of powers issue but because it deals with national security and the often competing need to protect the rights of citizens to be informed about their government and freely to debate public questions." ("The Court Considers Secrecy" [editorial], and "Court Takes Separation-of-Powers Case," *The Washington Post*, November 1; "Secrecy Pledges," *The New York Times*, November 1)

November 1988 As currently collected, environmental data do not provide the full or accurate picture of the state of the environment needed to perform regulatory tasks, environmental spokesmen and federal officials alike complain. Critics, including some officials of the Environmental Protection Agency, argue that EPA's collection methods are spotty and that the data gathered are often inconsistent. As a result, they say, the programs to monitor air and water quality and exposure to pollutants and pesticides are inadequate to support vigorous enforcement of the laws. Most critics say the problem exists because, until recently, the subject drew little interest.

The statistics gathered generally reflect the narrow purposes of the law authorizing their collection. For example, data about air quality and water quality are collected and analyzed separately even though a portion of water pollution is deposited from the air. Another problem with environmental statistics

is the inadequacy of data-retrieval systems. "An awful lot of data collected are not put in a place where they could be used," said Jacqueline Schafer, a member of the Council on Environmental Quality. "States collect data about water quality that literally sits in shoe boxes."

A panel of 40 scientists established by EPA Administrator Lee Thomas called in mid-September for the creation of an environmental institute to be supported by EPA but to operate independently of the agency. Thomas has said he plans to implement as many of the panel's recommendations as possible during the rest of the Reagan Administration. ("Problems With Data Collection Hinder Efforts on Pollution, Experts Say," *The New York Times*, November 8)

November 1988 Claiming that the full truth about the Watergate scandal may not be told until after the turn of the century, columnists Jack Anderson and Joseph Spear criticized former government officials Henry Kissinger and Alexander Haig because they managed to retain control of most of their papers. "Put another way, they 'privatized' many of the documents they accumulated at public expense and profited on them." Their actions were, in the words of University of Wisconsin history professor Stanley Kutler, "outrageous and arrogant." Kutler will soon publish a history of the Watergate era.

Because they have role authority over the disposition of their papers, Kissinger and Haig can lay before the public a version of their activities during the Watergate years that can not be challenged. Because the Nixon Administration papers could turn out to be needed in numerous court cases, Congress passed a law in 1974 which ordered that all Nixon documents be turned over to the National Archives for processing and eventual release. But before the law took effect, Kissinger and Haig took personal possession of their papers and donated them to the Library of Congress. Kissinger's papers were donated to the Library on the condition that only he or his appointed assistants have access to them until the year 2001, or until his death, whichever was later. ("Watergate-Era Papers Still Under Wraps," *The Washington Post*, November 10)

November 1988 On November 8 President Reagan vetoed a bill that he said would require unnecessary questions about plumbing, heating and cooling facilities in housing units as part of the 1990

census. In a statement, the President said the questions "would not produce data sufficiently useful to justify their inclusion" and would "increase administrative costs and add to the paper work burden imposed on the public by the census." The bill also would have required tabulations on Asian Americans and Pacific Islanders. ("Reagan Vetoes Some Census Queries," *The Washington Post*, November 10)

November 1988 Charles Elkins, director of the EPA's Office of Toxic Substances, wrote on the implementation of the Emergency Planning and Community Right-to-Know Act of 1986. In the process of complying with reporting requirements, Monsanto, a multinational chemical giant, found to its surprise that its 35 plants across the nation released a total of more than 374 million pounds of toxic substances in 1987. More than 20 million were emitted into the air of the communities surrounding Monsanto's facilities. The rest went into streams and bodies of water, underground injection wells, landfills and waste-treatment plants. As this information is gathered and reported to EPA and the states—and ultimately to the public through a computerized national database and other means—pressure will mount on manufacturing facilities to lower their toxic chemical emissions. Achieving substantial reductions in the levels of toxic chemicals released into the environment was one of Congress's chief objectives in enacting the right-to-know law. ("Toxic Chemicals, the Right Response," *The New York Times*, November 13)

November 1988 Comptroller General Charles A. Bowsher, head of the General Accounting Office, told President-elect Bush that the government would immediately have to address many domestic problems neglected by the Reagan Administration and that the costs would be staggering. Officials said no comptroller general in GAO's 67-year history had volunteered such advice to a President-elect or so heavily implied criticism of an outgoing President's management. Bowsher was appointed by President Reagan in 1981 for a 15-year term.

GAO issued a series of reports setting out an agenda of urgent problems facing the new President. A pervasive theme in the reports was that federal officials often have insufficient information to make intelligent decisions because the government has cut back on the collection of important data. For example, the report on the Transportation Department said that the Reagan Administration had cut back on the collection

of data to save money and to "reduce the reporting burden on the private sector." As a result, it said, the government had difficulty determining whether the deregulation of airlines had reduced safety and whether airline mergers had led to an increase in fares. ("Reagan Leaving Many Costly Domestic Problems, G.A.O. Tells Bush," *The New York Times*, November 22)

November 1988 Federal efforts to gather information on education were also faulted by the GAO. The department collects little information that is useful in measuring the effectiveness of its programs, and that often the data that are collected are not uniform. Examples were given with problems in data collection on the Chapter 2 block grant program, vocational education, and the student-loan programs. (" 'Transition' Paper Cites Flaws in E.D. Program Guidance," *Education Week*, November 30) [Ed. note: The Transition Series of 26 reports numbered GAO/ OCG-89-1TR through GAO/OCG-89-26TR can be obtained from the U.S. General Accounting Office, P. O. Box 6015, Gaithersburg, MD 20877 (202/275-6241). The first five copies of each report are free.]

November 1988 Three defense officials' efforts to explain the downing of an Iranian airliner by the U.S.S. Vincennes have won them the annual "doublespeak" award from the National Council of Teachers of English. "The language used in the official report and the language used during the press conference was filled with the doublespeak of omission, distortion, contradiction, and misdirection," said William D. Lutz, chairman of the NCTE's committee on public doublespeak. The award seeks to draw attention to public language that the committee finds to be "grossly deceptive, evasive, euphemistic, confusing or self-congratulatory," and able to cause "pernicious social or political consequences." An anonymous official of the Reagan Administration won second place for denying that the government had sought to cover up the involvement of Honduran military officials in drug crimes. "It wasn't that there was a coverup. It's just that people knew certain questions shouldn't be asked," the Administration official reportedly said. ("Military Wins 'Doublespeak' Prize," *Education Week*, November 23)

November 1988 Despite advice to the contrary from many public health experts, the Food and Drug Administration has proposed a rule that will permit companies to make health claims on food

labels. The latest version of the rule differs substantially from the one originally proposed in 1987. Rewritten after public comment, the current unpublished rule details more carefully the conditions under which health claims can be made. Like similar federal regulations, it is subject to the approval of OMB, which is studying it now.

Critics say the new rule leaves loopholes that will permit companies to make unsubstantiated claims. If a product has undesirable nutritional components, the information will not appear on the label; instead it will be contained in a health message summary. For example, a high-sodium, high-fiber soup might have a label stating that fiber reduces the risk of cancer. But the label will not have to say that the soup contains a significant amount of sodium, which may contribute to hypertension. Consumers will have to refer to a consumer guide to learn about the connection between high sodium consumption and hypertension. Food labels that include health claims will have to tell consumers where to obtain the summaries on nutritional information. Richard Ronk, the acting director of the FDA's Center for Food Safety and Applied Nutrition, said he expected the summaries to be available from the federal government and in supermarkets. Dr. Jacqueline Messite, the executive secretary of the committee on public health at the New York Academy of Medicine said, "You have to wonder how many people would write for them." ("Eating Well," *The New York Times*, November 23; "Update on Health-Claim Labeling," *The Washington Post*, December 21)

November 1988 A research group in Pennsylvania filed a legal petition asking the Federal District Court in Harrisburg to compel the Department of Energy to release the health records of 300,000 people who have worked at American nuclear weapon plants and laboratories. The action by the Three Mile Island Public Health Fund is the latest step in a two-year struggle the group has had with the Energy Department to gain access to the records, which are widely considered to be the nation's most detailed information about the long-term effects of radiation exposure on human health.

After months of fruitless negotiations to gain the medical data, the health group filed a request under the Freedom of Information Act. The Energy Department responded months later, contending that it was unable to release the records publicly because of agreements it had signed with all 50 states that

prevented the government from disclosing the death records of workers. Daniel Berger, the health fund's lawyer, investigated the claim and found that the department had signed agreements with only four states. The Energy Department would not comment on the issue. ("Release Sought on Health Data in Atomic Work," *The New York Times*, November 24)

November 1988 Following the announcement of the nomination of Richard Darman to head the OMB, an article about the agency described the intense conflict over the OMB's Office of Information and Regulatory Affairs. As a result of a policy decision that the potential benefits of any regulation must outweigh the potential costs, any federal agency that wants to propose or eliminate a regulation or a form first has to get approval from OMB. The same goes for collecting statistical data, including the delicate issue of census questions. This put the budget office in firm command of the government's information flow. Since then, there has been intermittent political warfare over the regulatory function, including an effort by Congress to cut off the agency's own funds. ("In Making National Policy, the Buck Starts Here," *The New York Times*, November 28)

November 1988 When the Reagan Administration reports that manufacturing is thriving in the United States, it bases its optimistic assessment on a government statistic that is probably exaggerated, the Commerce Department now admits. The statistic, which measures the output of the nation's factories, is often cited as an argument against contentions that American manufacturers have lost ground to foreign competitors and that the country is being deindustrialized. The Commerce Department data indicate that factory production still represents 21 to 22 percent of the gross national product. But Commerce has begun to suggest that manufacturing might not be so healthy after all. Replying to critics, officials have acknowledged that the agency's figures on manufacturing output contain miscalculations. A review of the data is in progress, and it may show that manufacturing's average share of the economy has shrunk by one to two percentage points in this decade. If manufacturing has not been as strong as statistics indicated, new explanations may be necessary for why nearly two million manufacturing jobs have been lost since 1979. ("Strength in Manufacturing Overstated by Faulty Data," *The New York Times*, November 28)

November 1988

November 1988 The Postal Service proposed in the November 29 *Federal Register*, pp. 47977-78, to modify the fees charged for furnishing Postal Service records retrieved by computer to members of the public including Freedom of Information Act requests. The notice says that the increased fees implement existing policy to recover the actual costs incurred for the retrieval. System utilization services for the central processor unit range from \$3,000 to \$3,400 per hour. Personnel charges for manual unit personnel will be \$30.00 per hour, while systems and programming personnel will be charged at \$42.00 per hour.

December 1988 The Pentagon announced that the Defense Department severed the electronic links between two of its computer networks in late November after an unknown "hacker" gained unauthorized entry to a contractor's computer. The connections were severed between the Arpanet network, which links academic and corporate computer centers and which also was attacked by a "virus" in November, and Milnet, which links thousands of military computers. The Pentagon said the connection was broken after "an unidentified hacker penetrated a VAX computer belonging to a defense contractor on the night of Nov. 27-28." ("Pentagon Cuts Link to Computer Lines," *The Washington Post*, December 2)

December 1988 The National Computer Security Center, established seven years ago to help protect sensitive data stored in government and commercial data banks, was itself the victim of a small electronic "break-in" in October 1986. The unpublicized incident, which apparently compromised some unclassified, commercially sensitive data, is cited by experts as an example of how hard it is to thwart illicit acts by approved users of government computer networks. The break-in involving the National Computer Security Center's Dockmaster network was engineered by someone who used familiarity with the system and an authorized password to defeat protections against the infiltration of others' accounts, former government officials said.

Dockmaster was created in 1985 by the National Security Agency computer center as a unique bulletin board and clearinghouse for computer security news, as well as a system to transmit and receive proprietary corporate data about security systems under a confidentiality promise. The center's annual budget is about \$40 million and it employs 350 computer scientists, engineers, mathematicians and other experts,

according to officials. They add that its attention is fixed primarily on the threat of break-ins by outsiders, such as foreign spies, not insiders. "It's an incredibly narrow view of the problem," said Robert Courtney, a former director of data security and privacy at IBM. "The people who would give your data to competitors are first and foremost your employees." Virgil Gligor, a University of Maryland professor who has served on the center's product certification panels, said it has yet to study the vulnerability of computer software in existing classified networks to "insider" attack. ("Computer Security Center Had 'Break-In'," *The Washington Post*, December 3)

December 1988 No one knows exactly how much American real estate is now in foreign hands, because there is no comprehensive, continuing system for tracking foreign investment around the country—and because it is almost impossible to authoritatively trace. At this point, it is believed to encompass less than two percent of all property holdings in the U.S. But the trend is increasingly controversial because the percentage, particularly in a few key markets, is growing steadily. In downtown Los Angeles, nearly three-quarters of the office market will soon be owned by foreigners, mostly Japanese, up from 64 percent this year, and up from an estimated 51 percent last year. Foreign investors, mostly Japanese, British, Canadian and Dutch, own 23 percent of the District of Columbia's office market. Foreigners own ten percent of the property in Maine and 25 percent of downtown Atlanta. Hawaii has been a particular target for foreign investment.

The trend philosophically divides Americans. Rep. John Bryant (D-TX) wants to make sure Americans at least know the depth of the foreign investment and plans to reintroduce legislation to require foreign buyers, who purchase more than five percent of an investment worth more than \$5 million, to register with the government. At this point, no public accounting is available. The Commerce Department gathers much information by industry, which makes it hard to distinguish separate real estate investments. Even when information is compiled, as has been done for farm land since the Agricultural Foreign Investment Disclosure Act of 1978 was passed, it is often inconclusive. Some investors hide behind layers of corporate names, and others simply establish themselves as corporations in the Netherlands Antilles, a little-populated island in the West Indies, which allows them to evade listing their countries of origin. According to Agriculture Department

data, only Canadians and West Germans own more U.S. farm land than do people reportedly from the Netherlands Antilles. ("Foreign Investment: A Divisive Issue in U.S.," *The Washington Post*, December 3)

December 1988 Journalists from the Bureau of National Affairs, *The Washington Post* and *Business Week* warned the National Economic Commission that its plans to hold meetings on December 7 and 12 behind closed doors is unlawful. This kind of clash involving the companies that run the country's newspapers, magazines and broadcast stations is becoming increasingly common. A new survey by the Society of Professional Journalists found that 77 percent of the news organizations waged more legal actions this year to get access to government meetings and documents than they did last year. The media lawyers do not think the surge in access suits is because government is getting more secret; it stems from reporters' getting more demanding. ("Journalists Fight Closed Meetings," "Washington Business" Section, *The Washington Post*, December 5) [Ed. note: The National Economic Commission canceled its December 12 meeting after a federal judge ruled that it must be open to the press and public. ("Deficit Panel Cancels Meeting After Judge Orders Open Forum," *The Washington Post*, December 10)]

December 1988 Readers of *The Stars and Stripes*, the military's overseas daily newspapers, have no clear legal right to uncensored news, according to GAO. The GAO, in a draft report to Congress, said its review of federal court cases found no legal decisions directly involving censorship of a newspaper published by the federal government. The legal analysis is contained in a GAO report about allegations of censorship in two editions of the newspapers. Investigators found evidence of censorship at the Pacific edition of the newspaper, and attempts by the higher command to influence news appearing in the European edition. ("Censorship Question Unclear in Stars and Stripes Case," *Federal Times*, December 5; "Censorship of Stars & Stripes Alleged," *The Washington Post*, December 12)

December 1988 The Coast Guard's system for preventing ship collisions in New York Harbor has been shut down since last July, with little regard for the effect on safety, according to a GAO report. The decision was based instead on how much money could be saved by ending the Vessel Traffic Service on Governors Island. The Coast Guard estimated its annual savings

from closing the system at \$1,341,000 starting in fiscal year 1989. The study found that the Coast Guard failed to consider a number of relevant factors, "including prevention of accidents and fatalities and protection of the environment through prevention of oil spills and accidents involving hazardous cargoes." Without the service, individual captains and crews have to look out for their own safety, using their eyesight and other piloting methods. No significant accidents have occurred since the system was shut down. The system in New Orleans, the nation's busiest port, has been closed since March. ("Study Criticizes Closing of System to Safeguard New York Harbor," *The New York Times*, December 7)

December 1988 Pollution from nuclear weapon plants in Ohio and Texas and from two national laboratories in Northern California pose serious threats to public health, according to a report released by the Department of Energy. The report, which for the first time ranks 155 instances of contamination at 16 weapon plants and laboratories in order of the potential hazard they pose to the environment and public health, paints a more threatening picture of environmental problems at the sites than has previously been depicted. The report said the contamination by toxic chemicals of an underground reservoir at the Rocky Flats Plant near Denver was the most significant problem because of the threat it poses to city water supplies adjacent to the contaminated water. Until the last two years, the government had consistently maintained that pollution from its weapon plants did not pose any health hazard. More recently, the government has acknowledged the release beyond its property of harmful materials at a few weapon plants. ("Wide Threat Seen in Contamination at Nuclear Units," *The New York Times*, December 7)

December 1988 If there is unhappiness with the Reagan Administration's secrecy policies, it was apparent only among the outsiders gathered at a symposium held on December 6 to discuss national security information policy. John Shattuck from Harvard University suggested that President-elect Bush make "a mid-course correction" and consider drafting a new executive order that would restore the test of balancing the need for secrecy against the public's need to know. His proposal was not warmly received by the audience of about 600, most of them government information security officers. The article also reports on the remarks of other speakers, such as Robert M. Kimmitt, Colin L. Powell, John Walcott, and Rep. Henry Hyde

(R-IL). ("Secrecy System Pronounced Sound," *The Washington Post*, December 9)

- December 1988 The Federal Home Loan Bank Board, charged with regulating the savings and loan industry, has convened only three public meetings, but has met at least 70 times behind closed doors. According to Jack Anderson, during some of those secret meetings, board chairman Danny Wall doled out tax breaks to rich investors who do the government a favor by taking over insolvent institutions. Recent estimates of lost tax revenue because of those secret deals range to at least \$3 billion. But those figures come from people Wall considers wild-eyed analysts—the Congressional Budget Office, the Joint Committee on Taxation and several private financial consultants. More than 500 savings and loans, about 20 percent of the thrift industry, are flat broke, with an estimated 400 more institutions barely hanging on. Wall is still not admitting that any taxpayer money will be needed for the bailout, while more realistic insiders are trying to settle on how many billions of dollars that bailout will cost. ("The S&L Regulator's Bankrupt Policy," *The Washington Post*, December 9)
- December 1988 The classified information that the White House wants to keep secret in the trial of former National Security Council aide Oliver L. North includes some material that was disclosed in testimony during the nationally televised hearings of the congressional Iran-Contra committees in May 1987. White House spokesman Marlin Fitzwater said at a December 1 briefing that intelligence agency heads unanimously agreed in July that certain "categories of information" at issue in the case "could never publicly be disclosed." Fitzwater conceded that "minor categories" were being withheld, but there has been no indication so far that the government is willing to declassify anything. ("Some 'Secrets' in North Case Already Disclosed," *The Washington Post*, December 12)
- December 1988 The Defense Department plans to replace its aging computer communications system in Colorado's Cheyenne Mountain, the nerve center designed to warn of an attack on North America, with equipment that is over budget, behind schedule and that will not work, the GAO said in a report. Moving ahead with the \$281 million purchase presents "a very high risk to overall communications for Cheyenne Mountain." GAO also said that the proposed system has "unstable software" that has prevented Air Force officials from issuing commands and

which engineers have been unable to fix. "A failure of this nature during actual operations could seriously affect the Air Force's ability to satisfy mission requirements during a crisis." Nearly all of the data collected by the Air Force's network of sensors and satellites about a missile or aircraft attack is funnelled to Washington through the Cheyenne Mountain Air Force Station. The computer communications system also serves as the internal link among the complex's 1,400 workers.

The system's wiring is incompatible with other electronics in Cheyenne Mountain, the GAO said, adding that the Air Force knew that when it issued specifications for the new system four years ago. "The contractor found the equipment would not work correctly when connected." But instead of changing the wiring of the new system, the Pentagon has said the Air Force will change the wiring throughout Cheyenne Mountain to make it compatible with the new communications gear, an effort expected to take two years and cost \$5 million. ("Proposed NORAD Computer System Called Flawed," *The Washington Post*, December 16)

January 1989 The Department of State has not been able to keep pace with its Freedom of Information Act workload. It took longer than six months to complete most of the FOIA requests it received from January 1985 to December 1987, and there was a backlog of more than 3,700 requests as of January 1, 1988. The department's difficulties can be attributed in part to staffing limitations and in part to inadequate managerial controls necessary to help FOIA officials monitor the FOIA process, and identify and correct problem areas. During GAO's review, the department provided additional FOIA-related staff and improved its automated case tracking system. The department also took steps to deal with 220 cases that it had improperly closed in an effort to reduce the backlog. ("Freedom of Information Act: State Department Request Processing," General Accounting Office, GAO/GGD-89-23, January)

January 1989 Rep. Toby Roth (R-WI) concluded that a Defense Department report on 17 Navy men who died in training omitted key information and must be resubmitted to Congress. According to Roth, the report lacked critical information about a Navy safety review and asked defense officials to revise the document. The DOD report briefly described each Navy death in a chart format and mentioned some changes that have been made to respond to the March 1988 drowning of a Wisconsin

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airman during an underwater exercise at the Naval Air Station in Pensacola, Fla. Defense officials originally planned to submit the nine-page document as a final report, but deemed it an "interim report" after Roth raised objections to it. They agreed to submit a more complete study later. ("Report on Navy Training Deaths Found Faulty," *The Washington Post*, January 1)

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The Office of Management and Budget solicited public comment in the development of policy concerning the dissemination, particularly electronic dissemination, of information by executive branch agencies. The proposed policy was published in the January 4 *Federal Register*, pp. 214-220, and would have amended OMB Circular A-130, Management of Federal Information Resources. While the importance of public information was noted, the specific instructions to agencies would have compelled deference to the private sector, and told agencies to avoid offering value-added products to end users.

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Writing about how vulnerable disadvantaged Americans are to drug addiction, columnist George F. Will developed this axiom: "In this information age, the advantaged become more so, and the disadvantaged fall from the back." He explained:

Life is increasingly regressive because the benefits of information are distributed disproportionately to those already favored by many advantages. The more certain kinds of information matter, the more unequal society—life—becomes. In the last quarter-century, since the 1964 surgeon general's report condemning smoking, it has become clear that the most cost-effective thing government does is disseminate health information. Smoking has become declassé. Alcohol, high blood pressure, red meat, fiber, oat bran, seat belts, safe sex—the list is long. In a broadly educated middle-class country, information about such matters produces behavioral changes on a dramatic scale.

("Information Gives the Advantage to Those Who Are Already Advantaged," *Daily Press* [Newport News, Va.] January 9)

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The Securities and Exchange planned to close its New York and Chicago reference rooms, leaving only the Washington, D. C., reference room left for investors seeking comprehensive data on thousands of publicly traded companies. Since

the SEC's beginning more than 50 years ago, the reference rooms have been the most complete depositories of data on the securities industry. The libraries hold every scrap of information filed by public companies, including annual and quarterly reports, studies, SEC investigations and records of securities-laws violations. The combined data are unavailable anywhere else, including stock exchanges, which hold only data of their listed companies.

Lawyers, accountants, professors, investment bankers, analysts, students, and individual investors use the New York library each day. The supervisor of the New York reference room for the past 28 years, Myrtle Johnson, could be interviewed only in the presence of the SEC's regional administrator, Larry Iason, who prevented her from answering questions about the library's pending closing. "We have an SEC spokesperson who can answer those questions," he said. "We have no further comment at this time," the spokeswoman in Washington said after confirming plans to close the New York and Chicago libraries because of budget cutbacks. One securities-firm executive thought the situation was ironic: "The SEC is demanding greater disclosure, and here they are shutting down the very thing that provides more information about securities markets to people." ("Not-So-Full Disclosure: SEC to Quietly Close Reference Rooms." *The Wall Street Journal*, January 12) [Ed. note: According to an SEC spokesman on June 6, the New York and Chicago reference rooms are open, and there are no plans to close them.]

January 1989

A federal judge ordered the Reagan White House to stop its last-minute destruction or alteration of computer tapes in the so-called PROFS systems used by the National Security Council and some White House staff members to send messages to one another electronically. The lead plaintiff in the case, Scott Armstrong, executive director of the National Security Archive, said he had been told by government archivists that PROFS system tapes other than those turned over to Iran-Contra investigators "have not been and will not be preserved as a 'permanent record' of the Reagan administration." The attorney for the plaintiffs, Kate Martin, of the American Civil Liberties Union, said the suit was filed only after government archivists said the tapes would not be preserved because they were not covered by the 11-year-old Presidential Records Act. ("White House Barred From Destroying NSC Files," *The Washington Post*, January 20)

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A study underway at the Tactical Air Warfare Center at Eglin Air Force Base, Fla., will study the Pentagon's primary war plans. For the first time, they will calculate how radio emissions from the weapons of one service might disrupt the sophisticated electronic gear of the other services. The problem was apparent when U.S. warplanes striking Libya in 1986 ran into an electronic blizzard that Pentagon officials now suspect might have caused one of the fighters to crash and others to miss their targets. The disruption came not from the Libyans, but from high-powered U.S. military transmitters that filled the night sky with electronic signals designed not only to enable the fighters to communicate, but to jam Libya's anti-aircraft defenses, hunt targets, and guide weapons. The Air Force recently finished a classified seven-month investigation of the problem, which led top Pentagon officials to order the more detailed three-year study expected to cost \$35 million. ("Mixed Signals May Have Misguided U.S. Weapons," *The Washington Post*, January 22)

January 1989

The Census Bureau, responding to complaints from Asian American organizations and members of Congress, has announced that it will list the names of nine Asian and Pacific Island racial groups on the 1990 census form rather than require such identifications to be written in. Initially, the bureau has said a list would be unwieldy because there were so many racial groups in this category. Rep. Robert T. Matsui (D-CA) pushed legislation through Congress requiring Census to list the nine Asian-Pacific Island groups that could be checked off, but the overall bill to which it was attached was vetoed. However, the plan the bureau announced is the same as the Matsui bill. ("Census to List 9 Groups of Asians, Pacific Islanders," *The Washington Post*, January 23)

January 1989

An article about OMB's January 4 proposal on electronic information dissemination indicated that the information industry generally supported the proposal, but librarians and other groups criticized it as an abdication of the government's responsibility to provide citizens with information. Most of the concern focused on a provision in the policy calling on agencies to "avoid offering dissemination services they know (or should know) to be available in the marketplace." Another area of contention over the policy is its discussion of user fees for information. OMB called on agencies to charge only for the actual costs of dissemination. However, the policy added that many agencies should include often overlooked costs,

such as employee time and office overhead, in addition to copying and mailing costs. ("OMB Proposal to Limit Dissemination Draws Ire," *Federal Computer Week*, January 23)

January 1989

Scientists who have examined detailed military records of American troop movements during the Vietnam war have concluded that thousands of soldiers were heavily exposed to Agent Orange during the late 1960s. Although the records of the spraying were compiled in the 1970s, it was virtually impossible to determine whether any troops were exposed until the federal Centers for Disease Control collected and collated data on troop movements. The CDC, directed by Congress in 1983 to study the effects of Agent Orange on veterans, obtained records from the Pentagon on battalion movements in the III Corps military region around Saigon, where the heaviest spraying took place in 1967 and 1968.

Testing the blood of 646 soldiers who had served in heavily sprayed areas, the agency found normal levels of dioxin (the most toxic chemical known, a component of Agent Orange) in all but two men and concluded in a September 1988 article in the *Journal of the American Medical Association* that most troops were not heavily exposed. However, two epidemiologists, Steven and Jeanne Stellman, said the CDC study was inadequate, that blood analyses are not an appropriate measure of dioxin 20 years after exposure and that the agency prevented independent scientific scrutiny by failing to describe the data it had used in professional journals until last September. The Stellmans obtained the data last spring in a Freedom of Information request. ("Scientists Say Vietnam Troops Heavily Exposed to Defoliant," *The Washington Post*, January 25)

January 1989

"The Veterans Administration may have inadvertently over- or under-compensated many disabled veterans because it has been using outdated medical data, according to a recent U.S. General Accounting Office (GAO) study. Because the VA has not conducted a comprehensive review of its disability rating schedule since 1945, the GAO says VA rating specialists must use their individual judgment in classifying medical conditions which do not appear on the schedule." ("GAO Says VA Is Using Faulty Medical Data," *PA Times*, January 27)

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For the eighth year in a row, the Reagan Administration requested zero funding for the library programs in the Library

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Services and Construction Act and Title II of the Higher Education Act. ("Reagan FY 1990 Budget," *ALA Washington News-letter*, January 27) [Ed. note: The Bush Administration later adopted the Reagan proposals for the library programs.]

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"Database Supplier Terms and Conditions" issued by Dialog Information Services, Inc., and effective January 1989, contains the following notice for its AGRIBUSINESS U.S.A. database, although the computer-based system contains public domain data developed by the U.S. Department of Agriculture agencies:

This database is copyrighted by Pioneer Hi-Bred International, Inc. No part of AGRIBUSINESS U.S.A. database may be duplicated without the written authorization of Pioneer Hi-Bred International, Inc. . . .

[Ed. note: This item follows up on entries in this chronology beginning in February 1984 about the USDA EDI (Electronic Dissemination of Information) system developed and run by a contractor.]

February 1989

For more than a year, depository libraries received few microfiche copies of government publications. The General Accounting Office reviewed the Government Printing Office contracting for microfiche services, including its relationship with a defaulted contractor and the results of its efforts to obtain alternative sources of supply. Although some progress has been made, GAO believes that the microfiche shortage is likely to continue—at least over the short term:

First, all the new contractors have been denied at least one additional replacement contract because (1) microfiche produced during pre-award testing did not meet GPO standards or (2) the contracting officer rejected the firm because it had a record of late deliveries. Second, the new contractors have received formal warnings from GPO about the quality of microfiche that they have produced under replacement contracts they have won. Third, much of the microfiche the contracts have produced is backlogged awaiting quality testing by GPO. Finally, there is a large backlog of documents GPO needs to send to contractors for conversion to microfiche.

("Procurement: Government Printing Office Supply of Microfiche to Libraries Disrupted," GAO/GGD-89-44, February) [Ed. note: This document is available from the U.S. General Accounting Office, P. O. Box 6015, Gaithersburg, MD 20877 (202/275-6241).]

February 1989 The Bush Administration is circulating a draft executive order on classified information that would allow the government to deny security clearances to federal workers and employees of government contractors without giving them the reason for the denial or the chance to respond. In a February 7 letter to the President, Rep. Don Edwards (D-CA), chairman of the Judiciary Subcommittee on Civil and Constitutional Rights, urged him not to sign the draft order. Under the order, Edwards warned, "a person denied a clearance on the basis of erroneous information would never be told what the information was and would never have an opportunity to correct it. I do not see how this serves the national security."

Under existing regulations governing security clearances, most federal employees are entitled to a written explanation, to the fullest extent consistent with national security, of why they have been denied clearances. They also have an opportunity to rebut the accusations and appeal the decision. The draft order would grant no rights of due process to those denied their initial security clearances or those refused a higher clearance. Only employees whose clearances are revoked would be entitled to an explanation, a chance to respond, and an opportunity to appeal in writing. The Central Intelligence Agency is exempted from even those requirements, and other agencies may waive them when they determine the procedures "would not be consistent with the national security interests of the United States." ("Plan to Deny Clearances Without Explanation Eyed," *The Washington Post*, February 10) [Ed. note: An article, "Bush Is Asked to Block Security Order," in the March 21 *Washington Post* reported that the bipartisan leadership of the House Civil Service Subcommittee has asked President Bush to block the proposed executive order. It has reported in the April 20 *Washington Post* that the President had decided to "take a fresh look" at the controversial draft order.]

February 1989 As charged in the book, *Moscow Station*, the National Security Agency and the Central Intelligence Agency found evidence of Soviet bugging of the communications center of

the existing American embassy building in Moscow, but kept their findings secret from the State Department, which has denied such bugging occurred. Ronald Kessler, author of the book published in mid-February, charged that a team of NSA technicians discovered the Soviet penetration of the embassy's communications center in August 1987, after the entire communications center and all other communications equipment from Moscow were shipped to a secure building in Virginia for study. State Department officials familiar with the security investigation said they know of "absolutely no evidence" that the bugging alleged in the book took place, and said they do not believe the NSA and CIA would withhold such evidence. ("CIA, NSA Knew Embassy Was Bugged, Book Says," *The Washington Post*, February 13)

February 1989 During the past several years, defense contractors, after agreeing to prime contract prices, typically negotiate lower prices with their vendors. Contractors did not always adjust their estimates to reflect vendors' likely price reductions. For example, on one contract at Martin Marietta, 33 material purchases were proposed at \$10.5 million based on vendor quotations. The proposed prices were accepted by the contracting officer, but after the prime contract award, the company actually purchased the items for \$692,000 less. Department of Defense procurement regulations do not specifically require contractors to develop, maintain, or disclose historical vendor pricing information. In April 1987, the Deputy Assistant Secretary of Defense (Procurement) issued policy guidance that defined such information as cost or pricing data. The Deputy Assistant Secretary also instructed DOD contracting officers to insist that contractors provide this data. ("Contracting Pricing: Contractors Should Provide Historical Vendor Prices to DOD," General Accounting Office, Acc. No. 137945, GAO/NSIAD-89-68, February 15)

February 1989 The government attorney who argued in the Supreme Court against publication of the "Pentagon Papers" in 1971 on the grounds that it would threaten national security now says that he has "never seen any trace of a threat to national security" since the papers became public. Erwin N. Griswold, as U.S. solicitor general, was the Nixon Administration's chief attorney arguing against publication of the papers concerning the war in Vietnam. Griswold wrote an opinion piece titled "Secrets Not Worth Keeping" in *The Washington Post* on February 15, in which he said there is "massive overclassification and the

principal concern of the classifiers is not with national security, but rather with governmental embarrassment of one sort or another." Griswold said that he decided to write the article because the government is once again arguing, this time in the Iran-Contra trial of former White House aide Oliver L. North, that national security is threatened by release of classified documents. ("Ex-Solicitor General Shifts View of 'Pentagon Papers,'" *The Washington Post*, February 16)

February 1989 As first reported in this chronology in October 1984, federal agencies publish notices in the *Federal Register* announcing fees charged for furnishing records retrieved by computer to members of the public, including Freedom of Information Act requests. The fees implement existing policy to recover the actual cost of furnishing the records, but can be high when an individual requests information which must be retrieved by computer. For example, in the February 21 *Federal Register*, p. 7417, the U.S. Postal Service published charges for system utilization services which ranged from \$3,000 to \$3,400 per hour. Personnel charges were \$30 an hour for manual unit personnel; \$42 an hour for systems and programming personnel. Local printing will cost \$.95 per 1,000 lines.

February 1989 The Internal Revenue Service loses about two million tax returns or related documents from its files each year, according to an in-house study. The agency usually discovers the loss when its employees, seeking to conduct an audit, make requests for tax returns or related documents. "It is very embarrassing to tell a taxpayer I am disallowing all of your losses and then ask them to provide a copy of their return because we can't find their original return," said one IRS employee quoted in the agency-wide study. The study does not estimate how much tax revenue is lost each year because of misplaced original tax documents. ("IRS Loses 2 Million Tax Documents Yearly, Study Says," *The Washington Post*, February 19)

February 1989 OMB is known for preparing the President's budget, but it also contains 60 staffers who review government regulations. Recent legislation and executive orders have given them a broad mandate: to ensure that benefits outweigh costs to industry, to reduce unnecessary paperwork and to make regulations consistent with presidential policies. OMB says it restrains regulatory excess and saves consumers and businesses

billions of dollars. Critics say it has weakened or delayed protections on everything from drugs in the home to chemicals at the workplace.

OMB officials say they ask questions but do not shape the substance of regulations. In practice, they do it all the time. In 1983, the Occupational Safety and Health Administration issued a rule to protect 75,000 health-care workers who use ethylene oxide to sterilize medical equipment. Studies had shown the chemical can cause spontaneous abortions and cancer. OMB economists concluded that brief exposure did not pose a threat (OSHA scientists argued differently) and asked that the regulations restrict only prolonged exposure. Even OMB efforts to reduce paperwork can influence regulation. One federal agency proposed a study to see if video-display terminals can cause miscarriages. OMB deleted survey questions it felt were unnecessary and burdensome. Public-health experts say the study is now too vague to pinpoint VDT dangers.

Some critics describe OMB as the National Security Council of regulatory policy—immensely powerful, but largely unaccountable. They cite a 1982 Food and Drug Administration plan to issue warnings that children can get a potentially fatal disease called Reye's syndrome by taking aspirin for the flu or chicken pox. After private meetings with the aspirin industry, OMB concluded there was not enough proof of a hazard which persuaded the FDA to withdraw the rule. Three years later, after 3,000 more children developed Reye's syndrome and more studies had been completed, the FDA required warning labels. ("Watching the Watchdogs," *Newsweek*, February 20)

February 1989 Another article about OMB's January proposed information dissemination guidance highlighted librarians' protests that the proposal would make government information cost more. In addition, Fred B. Wood, of the Office of Technology Assessment, said OMB's proposal could lead to costs that are too high for students, homeowners, citizen activists, and small newspapers. Using census data as an example, Wood said the government would charge about \$50 for 250,000 pages of information on computer disk. But private companies ask for hundreds to thousands of dollars per disk. "It's going to end up aggravating the problem of the information-rich and the information-poor," Wood said. The order would apply to

all agencies in the executive branch and would cover such data as agricultural reports used by farmers and educational surveys, as well as census data. An OMB official said the government ought to concentrate on providing more basic information and let private concerns elaborate on the material. ("Librarians Fight Government Plan," *The New York Times*, February 21)

February 1989 President Bush's Commission on Federal Ethics Law Reform, which was directed by the President to reform and revitalize federal ethical standards, is framing recommendations that would sharply reduce current requirements for financial disclosure by government employees. Among the proposals being considered by the panel are ones that would eliminate the current requirements to report estimated income from stocks, partnerships, and rental properties; gains or losses from sales of such assets; and the size of personal debts more than \$1,000. One source close to the commission said that "the public doesn't need to know" details of a person's financial situation, other than the names of those holdings worth more than \$1,000 so as to determine whether there might be a conflict. "Beyond that it is voyeurism on the part of the press and not public business," he said.

Current reporting rules for executive, legislative, and judicial financial disclosure require the assigning of categories of value that range from \$1,000 to \$250,000; and in some cases more than \$250,000. The new commission proposals would have the effect of eliminating these rules. Following public criticism, the panel is expected to modify, but not reverse, the plan. The commission is expected to suggest that the current detailed reporting be changed to require only that holdings be listed as worth more or less than a predetermined amount, such as \$50,000 or \$100,000. Such a limit would have made it more difficult to judge whether a serious potential conflict existed for Secretary of State James A. Baker III, who divested himself of stock in a New York bank holding company that was a major holder of Third World debt. Baker's public disclosure statement had indicated that the stock in Chemical New York Corp. was worth "above \$250,000." ("Bush's Panel Favors Easing Ethics Rules," *The Washington Post*, February 21)

February 1989 An editorial in *The Washington Post* criticized the withholding of the confidential FBI report that was the major body of evidence in the Senate consideration of the confirmation of

John Tower as Secretary of Defense. The editorial said that the entire Senate and selected hardball players in the executive branch are free to read the report, but, "We are not permitted to know, none of us, not the press, not the public." The editorial said that the public needed to know what the actual charges were and know much more about the nature of the evidence. ("The Tower Nomination," *The Washington Post*, February 25)

February 1989 The Occupational Safety and Health Administration and the Department of Justice topped the list of federal agencies whose proposals to impose additional paperwork on the public were rejected by OMB last year. OMB last year approved nearly 96 percent of proposed information collections required under the Paperwork Reduction Act. But roughly one-third of OSHA's findings were either rejected, given conditional approval or withdrawn. Justice followed with 24 percent, according to figures released by OMB Watch. Gary Bass of OMB Watch attributed OSHA's high rate of rejection to its work in collecting workplace information from businesses. "It's an ideological decision," he said. "[OMB] has a bias away from paperwork that infringes on business." ("OMB Shoots Down Information Collection Proposals," *Federal Computer Week*, February 27)

March 1989 In a five-page article, "White Wash: The Dioxin Cover-Up," in the March/April issue of *Greenpeace*, Peter Von Stackelberg charges that senior officials of the Environmental Protection Agency and the industries the agency was supposed to regulate were working together to limit public knowledge about the hazards of dioxin and a host of other dangerous chemicals. The article describes the efforts of two people in Oregon, Carol Van Strum and Paul Merrell, to obtain EPA dioxin studies in 1986 using Freedom of Information laws. Evidence gleaned from thousands of pages of the EPA documents demonstrated that pulp mills were spewing dioxins into the air and water, creating what Van Strum and Merrell call a public health emergency. At the same time, according to U.S. District Judge Owen M. Panner, documents obtained from the American Paper Institute revealed an agreement "between the EPA and the industry to suppress, modify or delay the results of the joint EPA/industry (dioxin) study or the manner in which they are publicly presented."

March 1989 In 1988, Rep. Bill Alexander (D-AR) asked the General Accounting Office to investigate any government involvement in

drug and arms trafficking to Central America. He specifically wanted to know if there was any link to an airport in Mena, Ark., a tiny town of 5,000 in the Ozark Mountains. A string of letters shows that the National Security Council told the GAO it would speak for the Administration in the investigation. Then the NSC instructed other government agencies not to cooperate with the investigation, and it gave the GAO no answers. ("Intrigue in the Arkansas Ozarks," *The Washington Post*, March 1)

March 1989

Three articles in *The Washington Post* described the latest chapter in the Landsat story as the satellite system came close to being shut down because of budget cuts. At the last moment, Vice President Quayle and the National Space Council announced that they had scraped together enough money to continue the Landsat images that map the Earth's surface and natural resources from space. Shutting down the Landsat system would have allowed French and Soviet competitors to take over a field in which the United States leads technologically, according to Peter Norris of Earth Observation Satellite Company, the company that operates the two Landsat satellites with a Commerce Department subsidy. Japan will soon enter the market.

Formerly owned by the federal government, the Landsat system was transferred to EOSAT in 1985 as part of the Reagan Administration program to shift government operations to the private sector. EOSAT receives the digitized images free and sells them for \$3,600 each, about four times what the government used to charge. In return, EOSAT has agreed to start operating the system after the government builds and launches a new Landsat in 1991. Three reports from the Department of Commerce indicated that although there is substantial demand for Landsat's images, it is not enough to sustain a business.

Monitoring global environmental change is an increasingly important task for Landsat because it is the world's only source for some data. The satellites are the only ones aloft that give good images of the state of forests and other vegetation affected by acid rain, drought, toxic wastes, and other natural and man-made catastrophes. Intelligence agencies rely on them to map vegetation, and may be able to follow troop movements by noting changes in vegetation. Among notable successes are discoveries of gold in Nevada. Crop and timber

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images from Landsat may be the satellites' most important commercial uses. (*The Washington Post*: "Lack of Funds May Shut Down Two U.S. Mapping Satellites," March 3; "Satellites to Go Dark for Lack of Funds," March 6; "Landsat Satellites Termed Incapable of Profitable Operation This Century," March 12)

March 1989

The Federal Maritime Commission has come under fire over its plan to make the information it collects more accessible to the public. The agency, which oversees commercial shipping, has proposed opening its electronic tariffs to anyone with a computer. This proposal angered the private companies that have made a business of providing the commission's shipping rate information to the public. Public interest groups charge that the private companies are, in effect, seeking to monopolize information collected with taxpayer dollars. "We're talking about citizen access to Government records," said Marc Rotenberg, of Computer Professionals for Social Responsibility. "That is a quintessential public function, performed by a Government agency for a public purpose at taxpayer expense." ("Giving Public U.S. Data: Private Purveyors Say No," *The New York Times*, March 4)

March 1989

GAO has updated data in a 1986 report on employees affected by federal security programs. GAO sent questionnaires to 51 agencies that handle classified information and 48 agencies responded. Overall, the 48 responding agencies estimated that about 3.2 million federal and contractor employees held security clearances at the end of 1987. This is a decrease of about 500,000, or about 13 percent, since the end of 1985. The reduction is primarily the result of a continuing clearance reduction program within the Department of Defense. At the end of 1987, the 48 agencies reported that current and former federal and contractor employees had signed 2.7 million and 270,000 classified information non-disclosure agreements, respectively. Seven agencies report 144 unauthorized disclosures of classified information during 1986. Forty-eight were referred to the Department of Justice for investigation. During 1987, 11 agencies reported 177 such disclosures and referred 53 to Justice. The total number of polygraph tests conducted annually has increased significantly in recent years. Between 1984 and 1987, the number of polygraph tests given by the government increased by 94 percent. ("Information Security: Update of Data on Employees Affected by Federal Security

Programs," General Accounting Office, GAO/NSIAD-89-56FS, March 7)

- March 1989 The Northrop Corporation cruise missile guidance system was never properly tested and many of the nearly 1,800 nuclear missiles aboard the U.S. bomber fleet may not work, according to allegations unsealed in court March 9. The disclosure came in a 16-month civil lawsuit against the defense contractor by two former workers who said they were asked to falsify test data. The papers also show that the U.S. attorney joined against Northrop in the \$63 million suit on February 15 under the False Claims Act. Federal prosecutors said Northrop falsely certified it had performed critical stress tests on flight data transmitters for 1,764 missiles between 1981 and 1986. The Air Force is "evaluating the evidence in order to determine whether corrective action needs to be taken to assure their reliability," according to Mary McMenimen of the U.S. attorney's office in Los Angeles. ("Missile Parts May Not Work, Court Told," *The Washington Post*, March 10)
- March 1989 Documents newly disclosed at the trial of Oliver L. North contradicted then-President Reagan's assertion to an official investigative board in 1987 that he was unaware of National Security Council assistance to the Nicaraguan contras at a time when Congress had banned U.S. aid to the rebels. The documents show that Reagan personally approved a plan to secretly solicit Honduran help for the contras in exchange for additional U.S. aid to Honduras, and that he apparently authorized a plan to air-drop weapons to them. Since the Iran-Contra affair began to unfold in 1986, Reagan has said that he was largely ignorant of secret U.S. government efforts to support the contras. ("Reagan Assertion, Trial Data Conflict," *The Washington Post*, March 17)
- March 1989 Surgeon General C. Everett Koop's report on abortion, which he refused to release last January, recommends in its final draft that the best way to reduce abortions is by doing more to educate the public. Although the report, which was released at a congressional hearing on March 16, was to have been confined to abortion's health effects, it goes further to advocate much the same prevention strategy that long has been urged by family planning experts. Koop informed President Reagan in a letter in January that he had decided not to issue the report because there was insufficient data on abortion's health effects. The report originally was intended

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for public distribution, similar to Koop's earlier report on AIDS. ("Abortion Report Koop Withheld Released on Hill," *The Washington Post*, March 17)

March 1989

The Environmental Protection Agency is risking a major procurement scandal by letting Superfund contractors police themselves for potential conflicts of interest, the General Accounting Office has concluded. In a report, GAO said that EPA enforcement is so lax that a Superfund contractor investigating a hazardous waste site also could be working for the polluter that dumped the chemicals there and the agency would not know it. "This system is currently dependent on contractors' identifying and informing appropriate EPA officials about conflicts," according to the report. GAO said a company working for both sides could feed the EPA biased data, thereby weakening legal efforts to recover clean-up costs from a polluter. GAO also said that in one instance, the EPA did not discover such a conflict until a company attempted to represent both the agency and a polluter at a preliminary settlement hearing. David O'Connor, director of the EPA procurement and contracts management division, said, "We're not in a position to police every situation with every firm out there. The amount of effort required to do that would just be overwhelming." ("EPA Faulted for Lax Superfund Enforcement," *The Washington Post*, March 20; "Superfund Contracts: EPA's Procedures for Preventing Conflicts of Interest Need Strengthening," General Accounting Office, GAO/RCED-89-57, February)

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The *Annual Report to the President FY 1988* of the Information Security Oversight Office reported that original classification decisions increased 24 percent, to 2,508,693. The total of all classification actions decreased 12 percent from FY 1987, to 10,429,385, the lowest annual total ever reported by ISOO. Under mandatory review for declassification, agencies processed 3,569 cases, eight fewer than in FY 1987; declassified in full 73,500 pages; declassified in part 147,297 additional pages; and retained classification in full on 22,034 pages. Agencies acted on 224 appeals, 46 percent fewer than in FY 1987, and declassified in whole or in part 14,844 pages in addition to those released in the initial mandatory review process. Under the systematic review program, agencies reviewed 10,436,160 pages of historically valuable records, 20 percent fewer than in FY 1987; and declassified 4,927,193 pages, 45 percent fewer than in FY 1987.

- March 1989 In an opinion piece, Robert L. Park of the American Physical Society presented his case that steps should be taken at once to reform our system for handling important government, scientific, and technical material. Among his recommendations: 1) President Bush should review the rules for classification of national security information and move to reverse the trend toward excessive secrecy; 2) Congress should revise the export-control laws to eliminate all restraints on the dissemination of unclassified information; 3) electronic databases should be assured of the same protection under the First Amendment as the printed word; and 4) The Freedom of Information Act should be protected from any further erosion. ("We Need to Redress the Balance Between Secrecy and Openness in Handling Important Government and Scientific Information," *The Chronicle of Higher Education*, March 22)
- March 1989 Sen. Daniel Patrick Moynihan (D-NY) and New York state health officials sharply criticized a court-approved secret settlement involving a toxic spill at a Xerox manufacturing plant near Rochester, N.Y., citing the case as an example of how much legal secrecy can inhibit scientific and medical inquiry into questions of health and safety. Moynihan suggested that legislation may be necessary to ensure that legal settlements in environmental lawsuits do not cut off the flow of information to communities and government agencies. "There is something unseemly about public health information, environmental health information, not being available in any circumstances," Moynihan said.
- As a result of the secret settlement, Xerox agreed to pay \$4.75 million to two families who had alleged that discharges from Xerox's plant in Webster, N.Y., had damaged their health. Xerox also relocated the families and bought their houses, which are now vacant. At the request of Xerox, the judge sealed all records in the case and prohibited the parties from discussing the matter. Commissioner of the New York State Department of Environmental Conservation Thomas F. Jorling said, "Shielding information from the public domain creates obstacles to scientists seeking to discover the true effect of exposures to toxics and to regulators like myself seeking to develop comprehensive regulatory and enforcement strategies." Xerox general counsel Richard S. Paul said the company will now support a motion to unseal the records if it is made by a health or government agency. Moynihan praised the

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company for its willingness to open the records. ("Secrecy in Toxic-Spill Case Assailed," *The Washington Post*, March 22)

March 1989

In an effort to better protect U.S. technology, the National Aeronautics and Space Administration is seeking exemptions to the Freedom of Information Act similar to those already granted to the Department of Defense. The proposal would allow NASA to withhold technical data from release under the act if that data is ineligible for an export license from the departments of State or Commerce. ("NASA Solicits Tighter Rein on Release of Information," *Defense News*, March 27)

April 1989

"The Securities and Exchange Commission (SEC) appears to be finally setting up its electronic filing system called 'Edgar' after fighting Congress for more than four years for funding. Edgar will be phased in during 1990 at SEC and is expected to be fully operational in 1993. SEC will install 9 systems at its offices and one at Mead Data Central which will offer the SEC data online via their LEXIS/NEXIS online services. The SEC data will also be available to the public through terminals installed at SEC regional offices. SEC has said that there are no plans to offer the data online publicly because of prohibitive costs." ("SEC Edgar System Will Provide SEC Data Online Via LEXIS/ NEXIS," *Online Newsletter*, April)

April 1989

The staff of the Inspector General at the Department of Veterans Affairs has been accused of concealing politically sensitive finds of waste and abuse—finds that ended up on a shelf instead of in the hands of Congress. The IG audits are normally released to the public in semiannual reports to Congress. However, a few were never released. A whistle-blower dubbed them "credenza" reports, for their final, private, resting place. A spokesman for the inspector general told Jack Anderson that the credenza reports are not a secret. The audits are available for public inspection. ("Critical Audits of VA Shelved," *The Washington Post*, April 3)

April 1989

In his column, "On the Air," Tom Shales said that American TV stations were supposedly being freed of prior constraints when the Federal Communications Commission summarily repealed its 38-year-old Fairness Doctrine in 1987. The rule, which required stations to give balanced treatment of "controversial issues of public importance," supposedly inhibited them from tackling troublesome hot potatoes. In fact, says a study released in early April, stations now give less time to

public affairs than they did before the rule was thrown out. Comparing programming aired on commercial stations in 1988 with a similar period in programming in 1979, Essential Information, a public interest research group, found a 51 percent decrease in the amount of time devoted to "issue-oriented public affairs" material.

For its study, the group looked at programming on 217 TV stations in 50 markets from January through April of 1988 and compared it with a similar period nine years earlier. Jim Donahue of Essential Information said that local TV Guides were used to gather programming data because the FCC no longer requires stations to make their program logs public. Donahue said: "... the FCC may not even respond to the study because they didn't collect any data to confirm that repealing the doctrine increased issue-oriented programming." But Sally Lawrence, a spokeswoman for the FCC commented: "This report is nothing short of outrageous. There is nothing in my data file that corroborates this study." Lawrence said networks and local stations are doing more public affairs programming than ever under deregulation, though she conceded she did not have figures to support the idea that such programming increased once the Fairness Doctrine was abolished. ("The Truth About the Fairness Doctrine," *The Washington Post*, April 5)

April 1989

Reagan Administration documents show that the Interior Department suppressed warnings last year about the risks of offshore drilling and about the adequacy of technology for cleaning up oil spills, several members of Congress said. Warnings from the staffs of the Fish and Wildlife Service, the Environmental Protection Agency, and the National Oceanic and Atmospheric Administration were either expunged from the department's final recommendations for a sale of drilling leases, or simply not made public, members of California's Congressional delegation said. Rep. Mel Levine (D-CA), who obtained the documents under the Freedom of Information Act, said that the Reagan Administration's willingness to play down the dangers of oil spills and the lack of adequate means to deal with such an emergency contributed to the disaster caused by the tanker accident in Alaska's Prince William Sound. ("U.S. Said to Censor Memo on Oil Risks," *The New York Times*, April 6)

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In response to widespread opposition, OMB withdrew their January proposal intended to guide the federal government's dissemination of computerized information to the public. "Our initial documentation was perhaps misunderstood or at least not carefully enough stated," said Jay S. Plager, administrator of OMB's Office of Information and Regulatory Affairs. "Some people thought the point of the exercise was to make it more difficult to obtain government information." He said that his agency was committed to a policy of freedom of information and that setting fair guidelines had become a difficult task because of rapidly changing technology. "We're not going ahead with a new rule," he said. "Some people got upset that this was being forced down their throats. We're seeking additional comment and advice." Critics said that they welcomed the agency's latest move but that they remained concerned. "Until there is a formal acknowledgement of a change of policy, the public would be foolish to think there is a change," said David Plocker of OMB Watch. ("Policy Shift on Access to U.S. Data," *The New York Times*, April 10)

April 1989

When the Justice Department in January laid off six of its ten spokesmen, department officials suggested the move could be a blessing in disguise for reporters who might now have more direct access to department lawyers. But Assistant Attorney General Edward S. G. Dennis, Jr., in a memorandum circulated in March to all employees in the department's criminal division, laid that one definitively to rest. "As a result of recent changes in the Office of Public Affairs," he noted in a two-page memo, "there may be an increased effort by the media to contact individual attorneys . . . in the criminal division."

Dennis restated criminal division policy on the matter: Don't talk. Refer all calls to the public affairs office. If reporters who "already have contacted or attempted to contact" the press office try again, "you should refer them to me or to your supervisory Deputy Assistant Attorney General" And "if thereafter you are asked by one of us to talk to the media, you should do so in conjunction with the Office of Public Affairs or with me or your supervisory deputy." When a Justice spokesman was asked what if some department lawyers were actually willing to speak to a reporter, he replied: "I assume they're busy carrying out their jobs, or the same kind of rif [reduction in force] program that happened in the public affairs office is going to happen in other parts of the department." ("Dealing With Media: Don't Talk," *The Washington Post*, April 11)

April 1989

During his trial, former White House aide Oliver L. North said that he had been told in 1985 to alter half a dozen secret documents about his activities to protect not only his immediate boss, but President Reagan. While the order came from national security adviser Robert C. McFarland, North said: "I had been led to believe that everything I was doing was at the direction of the president." Independent prosecutor John W. Kecker asked North to "[e]xplain how you got the understanding that the president of the United States wanted you, Oliver L. North, to alter . . . documents." North said, "Because everything I had done that was described in the documents on this list, I had been told, was at the direction of the president." ("North Tells of Scheme to Shield Reagan," *The Washington Post*, April 13)

April 1989

In a highly unusual move, federal appeals court Judge Douglas H. Ginsburg deleted 12 of 18 pages of the publicly released text of the dissenting opinion in a case decided April 14, saying his reasoning had to be kept secret because it was based on classified information. Court officials could not remember another instance in which the appeals court in Washington issued a secret opinion. Justice Department lawyers were permitted to see the full Ginsburg opinion but lawyers for the plaintiff in the case were not. The decision came in a lawsuit accusing the FBI, as part of its Cointelpro domestic surveillance program during the 1950s and 1960s, of engaging in illegal activity designed to discredit a New York man who was a member of the Communist Party.

The government, invoking the state secrets privilege, asked the appeals court to take the unusual step of ordering the lower court to dismiss the suit without hearing the case. Senior Judge Max Rosenn refused, saying an FBI affidavit submitted under seal did not convince the court "that evidence of the government's activities of 20 to 30 years ago will result in the disclosure of state secrets today." Ginsburg cited the affidavit by Assistant FBI Director James J. Geer, the head of the bureau's intelligence division, who asserted that disclosure of evidence "not only would pose a serious risk to the personal safety of government informants" but also "cause serious damage" to national security.

ACLU's Kate Martin, who represented the plaintiff, called Ginsburg's secret opinion "totally improper," likening it to secret Star Chamber proceedings of the past in England. Bruce Fein,

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a conservative legal scholar said: "It's very disturbing if you have secret law that's known only to the judge or the government because you could imagine a future case when the government cites the opinion but the opponent doesn't know what's in it." ("U.S. Judge Deletes 12 Pages From Text of Dissent," *The Washington Post*, April 18)

April 1989

The White House concluded that numerous documents from Oliver L. North's White House office, apparently including one referring to then-Vice President Bush's secret involvement in a deal to reward Honduras for helping the Nicaraguan contras, were never seen by congressional committees investigating the Iran-Contra affair, an Administration official said. Bush has said twice that the documents, which were released during North's trial, were "available" to the Iran-Contra committees. The official said that the documents—among those seized from North's office in November 1986—were in an archive whose contents were available to the investigating committees if they specifically requested them. But the committees never asked to see the documents, the official said.

John W. Nields, Jr., chief counsel to the House Iran-Contra committee, said that this account was "absolutely cockeyed." Nields said the House panel repeatedly asked to review the documents found in North's office, but the White House continually turned down its requests for direct access. Nields said that White House officials instead insisted that the committee rely on the judgment of FBI agents who inspected the documents found in North's office. ("Iran-Contra Panels Never Saw Some White House Documents," *The Washington Post*, April 20)

April 1989

Because they did not have access to key documents, the congressional Iran-Contra committees could not investigate the roles played by President Reagan and then-Vice President Bush in efforts to use American aid as an inducement to persuade third countries to support the Nicaraguan contras, Rep. Lee H. Hamilton (D-IN) said. The documents indicate that Reagan and Bush were more extensively involved in these efforts than previously known. Documents released at the trial show that some Reagan Administration officials feared that secret quid pro quo agreements with third countries to win aid for the contras might be "an impeachable offense," although other officials said they were legal. ("Chairman Says Gaps Left in Iran Probe," *The Washington Post*, April 21)

April 1989

Senate Majority Leader George J. Mitchell (D-ME), Sens. Daniel Inouye (D-HI), and Warren B. Rudman (R-NH) of the Senate Iran-Contra Committee asked for an "immediate" inquiry into whether the Reagan White House withheld key documents or politically sensitive information from the 1987 congressional investigation of arms sales to Iran and secret aid to the Nicaraguan contras. ("Senators Seek Probe of Iran-Contra Data," *The Washington Post*, April 27)

May 1989

The Environmental Protection Agency proposed changes to the threshold reporting quantity (TRQ) for hazardous chemicals in the March 29 *Federal Register*, pp. 12922-13019. The reporting requirements would be slackened by raising the TRQ from zero pounds after two years (as the regulations now provide) to 10,000 pounds. Raising the threshold to 10,000 means that a facility with less than 10,000 pounds of a hazardous chemical will not have to report. As a result, less information will be available to citizens and emergency planners about the facilities near their homes and in their communities. In addition, EPA wants to raise the reporting threshold for extremely hazardous substances to 500 pounds. To put this in perspective, 500 pounds is approximately equal to one 55-gallon drum, so that 10,000 pounds is about equal to twenty 55-gallon drums, or 1,100 gallons. Tremendous traffic in hazardous chemicals will go unreported under the proposal. ("Reporting Requirements Slackened," *Working Notes on Community Right-To-Know*, May)

May 1989

The Senate Subcommittee on Nuclear Regulation is investigating at least two instances in which Texas nuclear plant workers who raised safety concerns were paid for agreeing not to testify at licensing hearings. The Subcommittee is also examining at least one other secret deal between a nuclear plant contractor and an employee in order to determine the frequency and legality of such practices. Sen. John B. Breaux (D-LA), Subcommittee Chair, said such arrangements hold frightening implications for nuclear safety. "It turns the licensing process into a sham if witnesses can be paid money to withhold their testimony." Subcommittee sources said documents indicated that a worker at Comanche Peak who had raised safety concerns received \$30,000 as part of a deal with Gibbs & Hill, Inc., a contractor at the plant site. They said the arrangement prohibits the employee, Lorenzo Polizzi, from testifying before the NRC about safety issues. ("Nuclear Workers' Silence Probed," *The Washington Post*, May 3)

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The Food and Drug Administration drew few protests several years ago when it announced it was abandoning, for budgetary reasons, an annual compilation of data from its testing program for pesticide residues in food. The publication vanished shortly before disclosures of ethylene dibromide in muffin mix, aldicarb in watermelon and Alar in applesauce generated new interest in the subject.

The Fish and Wildlife Service's Office of Information Transfer at Fort Collins, Colo., acts as a clearinghouse for technical information on a broad range of wildlife issues. To the Reagan Administration's budget-cutters, the office always had the look of an arcane and therefore easy mark. When the ax appeared about to fall several years ago, the office sent a notice to its thousands of clients that they would have to find another source for bibliographies, research summaries and other materials. The result was a blizzard of protest, including hundreds of letters from renowned wildlife researchers, academic institutions and libraries in the United States and abroad. ("Tiniest Projects Get Budget Ax," *The Washington Post*, May 8)

May 1989

A federal judge in northern California has agreed with a group of Vietnam Veterans of America who brought a lawsuit to make the government agree that Agent Orange, which contains dioxin, the deadliest known poison, made them sick. Judge Thelton E. Henderson defoliated the Department of Veterans Affairs' claim that there was "no scientific evidence" of any connection between Agent Orange that was sprayed in the jungles and the afflictions of the veterans and their children.

The story of the lengths to which the VA went to make sure there would be no scientific evidence is reported in a book called *The Wages of War* by Richard Severo and Lewis Milford. After public outrage about the way the VA conducted a congressionally mandated study of cause and effect, the VA handed the study to the Centers for Disease Control. Its scientists spent several years on the study before stopping it because they said data was just not available. Not so, said Richard Christian, a retired Army officer who was director of the Pentagon's Environmental Support Group. He collected 40,000 boxes of records about Agent Orange sprayings, about troop movements, sorties and retreats. The CDC, however, got the Viet Cong and the U.S. records confused, according

to Severo and Milford. ("Justice for Vietnam Veterans," *The Washington Post*, May 9)

May 1989

A NASA scientist told the Senate Commerce Subcommittee on Science, Technology, and Space that the Administration changed his testimony about his scientific opinions, over his objections. James Hansen, director of the Goodard Institute for Space Studies, said unknown officials of OMB forced him to add a paragraph to his written statement on the probable causes of "global warming" that he did not agree with. The incident focused congressional attention both on OMB's practice of clearing testimony and on the failure of the White House to speak forcefully on the threat of global warming.

Subcommittee Chair Albert Gore, Jr., (D-TN) and 12 of his fellow senators wrote to President Bush to denounce the OMB changes. At the hearing, Gore said: "The Bush administration is acting as if it's scared of the truth. They are acting as if they do not want the best scientists in the administration to come to Congress to give us the best knowledge that they can glean from the data." Gore asked Hansen, "The statements which were changed by OMB were not statements about policy. They were statements about the scientific data, correct?" Hansen agreed, "I do not believe that the science aspects of the testimony should be altered." In an interview, Hansen said that OMB had changed or tried to change his statements before three previous congressional appearances dating back to 1987. ("White House Alters Scientist's Conclusions," *Federal Times*, May 22)

June 1989

This entry follows up an October 1988 item in this on-going chronology about whether the Department of Veterans Affairs chief medical director improperly ordered his staff to produce a report lowering the number of veterans' hospitals suspected to have high mortality rates. The General Accounting Office has reported it cannot conclude, based on information provided by the VA, that Dr. John A. Gronvall tried to influence the results of the study or acted inappropriately. The department has not released the study or named the problem hospitals. ("GAO Finds No Evidence VA Medical Official Acted Improperly," *The Washington Post*, June 6)

June 1989

The original version of a White House document showing that then-President Reagan approved a secret 1985 deal to reward Honduras for its continued support of the Nicaraguan

contras has been found in Los Angeles among presidential files set aside for the Reagan library, according to informed sources. A copy of this document was disclosed during the trial of Oliver L. North. The fact that this document never reached Congress but has reached the Reagan archive in California has added questions about what happened.

The Iran-Contra congressional committees' access to such documents depended on the papers' being cleared first by Administration officials. According to Brenda S. Reger, a former National Security Council administrative aide who played a central role in assembling NSC files, many sensitive NSC documents were stored in vaults adjacent to the White House situation room. Reger said that immediately after the scandal broke in late November 1986, she and several situation room employees conducted the initial review of many of those files and determined which documents were relevant to the Iran-Contra investigations. Reger said all the searches were thorough and the best that could be done under the circumstances. But she also said she would "not be surprised if something eye-popping turns up years from now." ("Discovery on the Iran-Contra Paper Trail," *The Washington Post*, June 6)

The Defense Department relies too heavily on outside contractors for consulting help in procuring weapons systems, increasing the risk that some competitors will get an unfair advantage from leaked information, the General Accounting Office concluded. In testimony scheduled to be presented on June 7 to the House Armed Services Subcommittee on Investigations, GAO endorsed a Navy plan to cut back on the use of outside contractors for sensitive aspects of the procurement process, and urged the Army and Air Force to follow the Navy's lead.

Congressional concern over the use of outside contractors by the Pentagon to decide project requirements and to perform technical and cost reviews of proposals has grown since last summer's Pentagon procurement probe, Operation Ill Wind. The investigation illustrated the lengths to which some defense contractors and consultants would go to get inside information to obtain an edge in competitions for major contracts. Some members of Congress have argued that information about planned procurements should be closely held by government officials to prevent leaks, and that outside consultants

should be eliminated. ("GAO Urges Cutbacks on Contractors," *The Washington Post*, June 7)

June 1989

The Justice Department announced that it has begun a criminal investigation into allegations that nuclear and other hazardous wastes were illegally stored and discharged into the environment by the Energy Department's Rocky Flats nuclear weapons plant near Denver. Hours after 70 FBI agents and other law enforcement officials searched offices at the long-troubled plant, the department said a grand jury will examine whether workers covered up the pollution.

Rep. David E. Skaggs (D-CO) suggested that investigators were concerned about destruction of records and are investigating the possibility of a wide-spread criminal conspiracy at the plant. Rocky Flats, 16 miles northwest of downtown Denver, makes plutonium triggers used in detonation of nuclear weapons. Critics have alleged for years that radioactive pollution has contaminated the plant site and adjacent suburbs. Colorado Governor Roy Romer cited his reliance on assurances by federal officials that the plant was being cleaned and problems corrected. If those assurances were based on altered documents, he said, "I'm outraged; I'm absolutely outraged." ("Charges of Illegal Storage, Pollution Probed at Nuclear Arms Plant," *The Washington Post*, June 7)

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Rockwell International Corporation, which operates the Rocky Flats nuclear weapons plant where workers are suspected of covering up illegal environmental pollution, has been awarded progressively larger bonuses by the Department of Energy for meeting production targets. In the first half of fiscal 1988, DOE paid the California-based aerospace conglomerate a base fee of \$782,400 to manage the plant and added a bonus of \$4.6 million for the company's management, Rockwell spokesman Ed Heintz said.

The bonus has climbed steadily, jumping from \$3.2 million in fiscal 1983 to \$8.5 million in fiscal 1987, the latest full year for which figures are available. During the same period, Rockwell's base fee ranged from about \$2 million to \$2.8 million a year. Heintz said the fee schedules were established by the Energy Department and were based on the company's "performance. Our performance is production." A DOE spokeswoman said there is nothing improper in the bonuses, but she noted that when senior DOE officials approved the awards,

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they were not aware of the massive criminal investigation the Justice Department announced on June 6. ("Probed Plant's Manager Got Bonuses," *The Washington Post*, June 8)

June 1989

Resisting Senate demands to require stringent registration of Pentagon consultants in the wake of last summer's procurement fraud scandal, the OMB on June 7 proposed a less-onerous set of disclosure requirements designed to ferret out potential conflicts of interest by consultants to all federal agencies. The proposal, drawn up by the OMB Office of Federal Procurement Policy, would require some consultants to disclose the names of other government and commercial clients when they apply for a contract. While industry officials said they were pleased that the proposed rules did not go as far as requirements that were passed by the Senate last summer, Sen. David Pryor (D-AR) charged that the proposal was full of loopholes that would "gut" consultant reform.

Pryor's effort to require strict consultant registration did not pass the House, and conference committee members referred the matter to OMB, Pryor's legislation would have required all government services companies to register with the government and to list all their clients for the previous three years when applying for a contract. It also would have required prime contractors to list all their consultants. The OMB proposal exempts engineering, technical, legal and accounting services, as well as some contractors with industry self-governance ethics programs. It also allows an agency head to grant a waiver to the conflict of interest policy on "public interest" grounds. ("New Rules for Consultants Proposed," *The Washington Post*, June 8)

June 1989

When the Securities and Exchange Commission in June 1988 eliminated public access to the microfiche files maintained in its reference room in Washington, D.C., complaints by regular users were reviewed by the General Accounting Office. Two areas of concern remain: (1) closing of the microfiche files to the public and allowing only SEC staff to fill users' microfiche requests led to delays in obtaining these materials and more difficulty in doing research, and (2) SEC's microfiche contractor received copies of certain time-sensitive documents before regular users received them in the reference room. This gave the contractor an unfair advantage over regular users, who compete with the contractor in selling information from these documents. ("Information Access: Improving Securities and

Exchange Commission's Public Reference Room Operations,"
GAO/GGD-89-85, June 7)

June 1989

The FBI charged that senior executives in the Department of Energy knew for years about illegal and dangerous toxic-waste procedures at the Rocky Flats nuclear weapons plant near Denver, Colo., but lied about the situation to conceal the violations. An affidavit quoted a 1986 DOE memo warning top officials that some waste practices at Rocky Flats were "patently 'illegal.'" The internal memo said misleading department statements had kept the public from knowing "just how really bad the site is." Colorado Governor Roy Romer said he was outraged about the toxic dangers set forth in the FBI affidavit and just as angry that the information was kept secret for months by the criminal investigators. "It's absolutely inexcusable," he said, "that the information was kept from the people of Colorado It's more important to protect a person's health than to send somebody to jail." ("FBI Accuses Energy Dept. of Lying," *The Washington Post*, June 10)

June 1989

Bowing to a storm of criticism of its January 4, 1989, advance notice on the development of policy concerning the dissemination of information by executive branch agencies, the Office of Management and Budget withdrew the proposal. Two-thirds of the letters to OMB on the January notice were from librarians. The second advance notice, published in the June 15 *Federal Register*, pp. 25554-25559, reframed the policy. Of particular interest is the OMB's assertion of its philosophy on government information policy:

. . . OMB wishes to make clear that its fundamental philosophy is that government information is a public asset; that is, with the exception of national security matters and such other areas as may be prescribed by law, it is the obligation of government to make such information readily available to the public on equal terms to all citizens; that to the extent the flow of information from the government to the public can be enhanced by the participation of the private sector, such participation should be encouraged; and that participation by the private sector supplements but does not replace the obligations of the government. These principles apply whatever the form, printed, electronic, or other in which the information has been collected or stored.

June 1989

According to an article in *The New York Times*, the new proposal points "to a significant reversal in the Federal Government's policy of favoring the private sector for published Government data." ("O.M.B. Proposes Switch in Information Policy," *The New York Times*, June 10)

June 1989

In an article in *Library Journal*, librarian Nancy Kranich presented empirical evidence gleaned from a government database—the Electronic Dissemination of Information (EDI) database of the U.S. Department of Agriculture—that illustrated the issues and problems librarians face in trying to provide access to government information in electronic formats. EDI offers news, commodity, economic, statistical, and other reports through a computerized system operated by Martin Marietta Data Systems under contract to the USDA. In the past, USDA released this electronic information to AGNET, a not-for-profit group at the University of Nebraska, which put the information on its electronic network and made it available to the public. In 1985, USDA signed an exclusive contract with Martin Marietta to provide that same USDA information. Because of increased costs charged by the vendor, AGNET can no longer afford to provide these data to its customers without raising its fees.

Formerly, USDA distributed this information free or at nominal cost through the Government Printing Office to depository libraries, farmers, and others. AGNET used to get the electronic version free from USDA, then charged \$50 a year plus 50¢ per minute for access. Martin Marietta also gets information free from USDA. However, the contract between the contractor and USDA does not specify charges to public users; rather, they are established by Martin Marietta in separate contracts with each user. Generally, these charges are \$45 per hour plus a minimum use/subscription fee of \$150 per month for subscribers like news services and commercial organizations. Once this information becomes available through Dialog, one of several commercial vendors, it costs \$96/hour, 60¢/full record offline, and 50¢/full record online.

In addition, although government information is in the public domain, Dialog, in its "Database Supplier Terms and Conditions," claims that, "This database is copyrighted by Pioneer Hi-bred International, Inc. No part of AGRIBUSINESS U.S.A. database may be duplicated without the written authorization of Pioneer Hi-bred International, Inc." ("Information

Drought: Next Crisis for the American Farmer?" *Library Journal*, June 15)

June 1989

Author Eve Pell maintained that secret presidential decrees have propelled America into some of the most dramatic and controversial events in the past four decades: in Cuba, South-east Asia, in Lebanon and Grenada. Yet most Americans are unaware of National Security Decision Directives, perhaps the most powerful and hidden tool of the President. During eight years in office, Ronald Reagan issued approximately 300 of these NSDDs; President Bush has begun his own series.

"NSDDs reflect an ominous shift in the traditional locus of Federal decision-making. You have players from State and Defense and Justice all sitting around cutting deals," said Scott Armstrong of the National Security Archive. "The N.S.C. [National Security Council], the bureaucratic apogee of inter-agency decision-making, coordinates the agencies—and since the N.S.C. director is not subject to oversight, the process circumvents Congress completely."

When questioned in November 1988, a Reagan White House spokesman claimed that congressional committees were told about NSDDs on topics that concern them. Not so, say several senior members of Congress. Reps. Louis Stokes (D-OH) and Lee Hamilton (D-IN), Sen. Claiborne Pell (D-RI) and several committee staff members insist that they were not informed in the Reagan years. Rep. Anthony Beilenson, chair of the House Intelligence Committee, stated that his fellow committee members have requested NSDDs from the Reagan White House and have been refused on the ground that the directives are "presidential documents." ("Hidden Government Revealed: White House Secret Powers," *The Virginia Observer*, June 16)

June 1989

Breakdowns of safety at government nuclear weapons plants are rooted in a devotion to secrecy and in poor management, charged a report by the House Energy and Commerce Subcommittee on Oversight and Investigations. Rep. John Dingell (D-MI), chairman of the panel, said in a letter accompanying the report that "obsessive secrecy and lack of outside oversight have been hallmarks of the nuclear weapons program since its beginning as the wartime Manhattan Engineering District" in the early 1940s. The investigators said unchallenged secrecy allowed the Energy Department and its contractors to neglect improvements in health and safety. ("Report

Cites Secrecy as a Cause of Problems at Nuclear Plants," *The New York Times*, June 19)

June 1989

The federal government has spent many billions of dollars during more than a third of a century in a thus-far fruitless attempt to tame hot fusion, a process that proponents see as a source of safe, cheap, and nearly inexhaustible power. But experts say the effort, which is now nearing its goal of igniting self-sustaining fusion reactions, has recently been hurt by excessive secrecy and large financial cutbacks. As a result, they say, rivals in Japan and Europe are forging ahead and taking the lead in some areas.

In a recent report, the National Research Council, an advisory body to the government, said the United States had "lost its leadership position" in a key area of hot fusion. Cuts in funds, the report said, had given the lead to the Europeans. The loss of American leadership stems mainly from a 50 percent cut in funds during the past decade. The Europeans now have nearly twice the manpower, greater industry participation, and a more comprehensive array of fusion devices and experiments, the report said. Indeed, many experts now say the Europeans will probably be the first to achieve "break-even," the point at which the energy released by a fusion reaction matches that put in. Break-even, a critical first step on the road to creating a fusion power reactor, was a milestone the United States long expected to attain first.

America is losing ground to foreign rivals in another type of fusion that uses lasers or particle beams to bombard tiny fuel pellets for a split second, trying to heat and squeeze them to the point of ignition. While America still maintains a long lead in this field, scientists say government secrecy is hampering their work and causing them to slip in standing. Laser fusion work has been classified as secret because of potential military applications while research on magnetic fusion is openly published. In contrast, Japanese scientists have been openly publishing articles on the subject and making rapid progress.

The Japanese work is so advanced that it has violated American secrecy rules, a situation some American scientists say is absurd. The journal *Scientific American* recently reported that security officials at the Lawrence Livermore National Laboratory in California ripped the cover off a magazine showing a drawing of a laser fusion device pioneered by scientists

at Osaka University in Japan. Following guidelines from the Department of Energy, Livermore officials barred the magazine's circulation at the laboratory. ("U.S. Losing Ground in Worldwide Race for 'Hot' Fusion," *The New York Times*, June 20)

July 1989

The Federal Centers for Disease Control in Atlanta either botched a \$43 million study of health risks posed by the chemical defoliant Agent Orange or buckled under pressure from the White House to call off its research, Rep. Ted Weiss (D-NY) charged at a hearing of the Government Operations Human Resources and Intergovernmental Relations Subcommittee. The CDC halted the evaluation in 1987, asserting that a lack of military records made it impossible to determine which soldiers were exposed to the herbicide that was widely used to clear jungle undergrowth during the Vietnam War. Nearly 35,000 Vietnam veterans have claimed they suffered cancers and skin diseases and fathered children with birth defects as a result of exposure to Agent Orange, which contains the deadly chemical dioxin. However, scientists testifying before the subcommittee said military records do exist and show which Army companies were in areas sprayed by the herbicide. ("Agent Orange Study Called Botched or Rigged," *The Washington Post*, July 12)

July 1989

Author M. B. Schnapper reports that two days before Ronald Reagan left office, he signed an extraordinary executive order that has thus far gone largely unnoticed. It vested private citizen Reagan, in essence, with the lifetime power to prevent disclosure of "privileged" papers generated by or for him during his presidential tenure. Unless the order is nullified by President Bush, Reagan may be able to suppress whatever documents he regards as deleterious to his interests and those of his Administration. "For sheer audacity, Executive Order 12667—approved by Reagan on Jan. 18 but not published in the *Federal Register* until Jan. 23 . . . has few parallels in the annals of government flimflam."

To the dismay of Iran-Contra prosecutor Lawrence Walsh and some critics of the Presidential Recordings and Materials Preservation Act of 1974, the statute permitted Reagan, his staff aides, and other personnel to privatize and bar permanently congressional and public access to "non-public" information embedded in "personal notes . . . not circulated or communicated in the course of transacting government

July 1989

business." Schnapper said, "The addition of Executive Order 12667 restrictions to these statutory limits suggests that the former president would like a total news blackout on the Reagan years." ("How Reagan Put Wraps on His Records," *Legal Times*, Week of July 17)

July 1989

A dispute between the White House and independent counsel Lawrence Walsh has blocked the Senate Foreign Relations Committee from obtaining uncensored copies of nearly 3,000 pages of convicted former White House aide Oliver North's notes on his own activities. North took 21 spiral notebooks with him after he was fired from the National Security Council for his role in the Iran-Contra affair, and has kept them ever since, preventing Congress from gaining access to the uncensored version of his writings. Sources familiar with the Walsh investigation have questioned why the White House and the Justice Department have not previously attempted to force North to return his original notebooks to the government, particularly since the notebooks are full of classified materials. After a long legal fight, Walsh obtained copies—not the originals—of the notebooks.

The House and Senate Iran-Contra committees obtained access to copies of portions of North's notebooks only after North's attorneys had blacked out entries they felt were pertinent to the congressional inquiry. Sen. John Kerry (D-MA) and other Democratic panel members say several issues cannot be resolved without seeing the complete text. ("Senate Panel Unable to Get North Data," *The Washington Post*, July 19)

July 1989

The Justice Department, at the request of the Central Intelligence Agency, has agreed to block the disclosure of government secrets at the trial of a former CIA station chief indicted for his role in the Iran-Contra affair, the office of independent counsel Lawrence Walsh said. This decision could force dismissal of all charges against him, Walsh aides said. If the government does use its powers to block critical information and cause Walsh to abort the trial of Joseph F. Fernandez, the CIA's former station chief in Costa Rica, it will be the first time that has happened under the Classified Information Procedures Act. That law, enacted in 1980, made the attorney general the final arbiter of what classified information can be used in a trial. ("U.S. to Block Disclosures in Fernandez Case," *The Washington Post*, July 22)

July 1989

Thanks to a surge over the past decade in national security and intelligence programs, and thanks also to President Reagan's 1982 Executive Order 12356, which even allows data to be classified merely when "disclosure reasonably could be expected to cause damage to the national security," document classification has become a growth industry, according to David Morrison. From fiscal 1981-82, the number of classification actions taken by the 70 or so federal agencies empowered to do so grew by less than 1 percent, to 17.5 million. But, from fiscal 1983-84, such actions jumped by 9 percent, to 19.6 million.

The Reagan Administration's hasty 1987 retreat from a plan to augment the existing types of controlled information—confidential, secret, top secret, and special access—with a striking new category—"sensitive but unclassified"—doubtless helped to keep this rising tide from becoming a completely ungovernable tidal wave. But another mitigating factor may have been a realization that too much zeal in classifying data may be as harmful as too little. ("Your Eyes Only," *National Journal*, July 22)

July 1989

Since 1964, the Department of Energy and its predecessors have spent \$46 million compiling employment and medical records for more than 300,000 people who have worked at atomic weapons plants and laboratories. The records are considered the most comprehensive raw data on whether chronic exposure to low levels of radiation endangers the health of workers and people living downwind from the plants. But no one except scientists under contract to the DOE can see the information, a policy that is coming under criticism from some members of Congress and medical experts.

Sen. Timothy Wirth (D-CO) has introduced legislation that would transfer control of the radiation health information from DOE to the Department of Health and Human Services. The Energy Department has resisted the idea, arguing that it must carefully guard the data to insure the privacy of nuclear plant employees. To forestall efforts to wrest away control of the files, Secretary of Energy James Watkins announced in June that the department would spend \$36 million to finish collecting records on all 600,000 people who have worked at government nuclear installations since World War II, and to store the data in a computerized repository. He said that "qualified

researchers" would be allowed to use the database, which is to be completed in 1996.

The National Academy of Sciences has also formed a panel to find ways to allow independent researchers access to the data. An agency spokesman said that Secretary Watkins is committed to establishing a "state-of-the-art epidemiologic research program." But the government's critics contend that no timetable has been set for increasing access to the information, and they object to letting the Energy Department decide who is qualified to make use of it. DOE continues to bar access to the files of the Three Mile Island Public Health Fund, a group of scientists and laymen based in Philadelphia who requested the data under the Freedom of Information Act in May 1987. The group is preparing a lawsuit. ("The Government Health Data That So Many Want to See," *The New York Times*, July 23)

July 1989

A column by Jack Anderson and Dale Van Atta said that more than 150,000 pages of Watergate-era documents are sitting in the National Archives while archivists study them in secret to decide what should be returned to former President Nixon. Anderson and Van Atta describe a confidential report of a closed-door meeting of the five-member Nixon Review Board whose job is to decide whether the material—Watergate-related or not—is public or personal. The report indicated that the board was split on how to handle several touchy documents that "historians would love to get their hands on." A National Archives spokesman said they have made no final decisions. ("Judging the Nixon Papers," *The Washington Post*, July 25)

July 1989

The House Appropriations Committee dealt a setback to federal plans for a large-scale survey of American sexual practices when it eliminated \$11 million for the survey from the budget for fiscal 1990 and directed the Public Health Service not to conduct the research. The aim of the survey, originally proposed in 1987, is to provide data to supplant information published by Dr. Alfred Kinsey in 1948 and 1953, the last comprehensive study of American sexuality. Public health officials have said new information would be important to efforts to combat the spread of AIDS. The project has been delayed by Office of Management and Budget questions. ("Sex Survey Is Dealt a Setback," *The New York Times*, July 26)

July 1989

In a speech to the Heritage Foundation last year, Samuel R. Pierce, Jr., then Secretary of Housing and Urban Development, extolled the virtues of turning over some functions of the federal government to the private sector and cited his own department as a model. If the rest of the government "instituted similar policies and enjoyed similar successes," he said, "the total savings could be truly impressive." In the eight years of Pierce's tenure, the private sector had more control over and access to HUD money and guarantees, but the department's oversight over its assets diminished, even amid rapidly rising risk, according to HUD documents and present and former HUD officials. ("Risks to H.U.D. Rose After Its Shift of Responsibility to Private Sector," *The New York Times*, July 31)

July 1989

With more than 20 million records culled from police reports around the country, the FBI's crime computers contain one of the most sensitive databases in law enforcement. But access to those records, along with other FBI files, could soon increase substantially if the Office of Management and Budget has its way. As a result of an OMB edict scheduled to take effect October 1, the FBI must begin eliminating up to 640 jobs—including computer programmers, fingerprinters, data transcribers, file clerks and photographers—and turn those tasks over to private contractors.

The order, which the Justice Department is resisting, is the latest beachhead in OMB's campaign to privatize large portions of the federal work force. FBI officials and some members of Congress say bringing outside contractors into the bureau could compromise foreign counter-intelligence investigations, background security checks, electronic wiretaps and other sensitive tasks. Privacy advocates warn that it could lead to abuses of the FBI's computer systems and files. But OMB officials say that they have heard such complaints before and that in most cases, the complaints are groundless. For example, the Pentagon has been privatizing for years, turning over many of its most sensitive national security tasks—such as operation of the Distant Early Warning system (DEW Line)—to outside contractors. ("J. Edgar Hoover Must Be Spinning in His Grave," *The Washington Post Weekly Edition*, July 31–August 6)

August 1989

The Food and Drug Administration has been "negligent and reckless" in its enforcement of a law requiring makers of med-

ical devices to notify the agency when malfunctioning devices cause deaths or serious injuries, Public Citizen Health Research Group charged. In the four years since the law went into effect, the FDA has brought no criminal charges against device manufacturers, although numerous violations were found, Public Citizen said. The consumer-advocacy group said that its examination of FDA records, obtained under the Freedom of Information Act, revealed numerous instances in which manufacturers of pacemakers, respirators, breast implants, and other devices failed to report serious malfunctions.

"The general attitude of the FDA has been to treat industry as a partner, not as an adversary," said Sidney Wolfe, director of the group. "And as long as they are partners, people are going to die unnecessarily." Public Citizen obtained records of routine FDA inspections of medical device companies showing that since December 1985, the agency found unreported device problems in the files of 35 companies. At least seven people died and more than 100 were injured because of unreported malfunctions of 76 kinds of devices, the records showed.

An FDA spokesman, Bill Grigg, said the agency would have prosecuted the companies if it had found violations that were serious enough. Grigg noted that none of the products cited in the Public Citizen study warranted recall. "The occasional slips that we see are not the kind that require criminal prosecution." ("FDA Called Lax on Medical Devices," *The Washington Post*, August 4)

The Office of Management and Budget issued Bulletin No. 89-15, "Report on Obligations for Government Information Dissemination Products and Services," on August 18 to the heads of executive departments and establishments. The bulletin provided instructions and materials for submitting a single consolidated table of total agency obligations for periodicals, nonrecurring publications, machine-readable data files (including CD-ROMs), software, online database services, and electronic bulletin boards, both current and proposed, for fiscal years 1988 through 1991. However, at the same time that OMB tightened its control over the broad range of agency dissemination products and services, it also stated that compliance with OMB's system would "ensure that the appropriate information dissemination products are made available to the depository library program (44 U.S.C. 1902)."

- August 1989 According to Jack Anderson and Dale Van Atta, the FBI scored an intelligence coup in 1985: It learned that American missiles were shipped to Iran in violation of U. S. law and policy. But when the FBI briefed the CIA, it was warned to mind its own business because the shipment was a "White House operation," according to Intelligence sources. Just what the FBI and CIA knew about the Iran-Contra operation and when the agencies knew it has remained one of the blank pages in the affair. The story indicates that the cover-up of the Iranian arms deal was far more widespread and effective than initially believed. ("FBI Learned of Arms Shipment to Iran," *The Washington Post*, August 29)
- August 1989 Accusing the Food and Drug Administration of endangering women's health by failing to require uniform absorbency ratings on tampon labels, a federal judge gave the agency until October 30 to issue rules requiring such information on tampon packages. The ruling by Judge Barrington Parker in U. S. District Court in Washington, D. C., said that the FDA "has been lethargic in responding to and carrying out its legal obligation and, thus, has failed to adequately inform and protect the public on this important health issue." "Under the [new] regulation, everyone will have to disclose absorbency," said Patti Goldman, a lawyer with Public Citizen, a consumer group that sued FDA last year for not ordering new labeling. "The most important part of this is to get the information out there so women can make an informed choice and minimize their risk of toxic shock." ("FDA Ordered to Require Uniform Tampon-Absorbency Ratings," *The Washington Post*, August 30)
- September 1989 The Navy has its secrets, which Richard D'Aleo says he understands. What he does not understand is why the document he signed six years ago promising never to reveal those secrets is now a secret. So he has sued the Navy to find out. In 1983 and 1984, D'Aleo worked on a special project for the Navy having to do with computers and counter-intelligence. He signed two "non-disclosure agreements" in which he promised never to reveal the classified information to which he was given access.
- In 1986, when he began to write a book tentatively titled "Keeping Secrets: How to Protect Information," he decided to reread those agreements to make sure he would not violate them. He also wanted to see if, as is now common, they gave

the Navy the right to censor his manuscript before he took it to a publisher. But—the Navy would not let him see the agreement.

D'Aleo's Freedom of Information Act request was denied on the grounds that the "documents are being withheld in their entirety" because they were classified. In March 1988, two plainclothes Naval Investigative Service agents visited him at home and reminded him that he was still bound by the non-disclosure agreements he had signed in 1983 and 1984. D'Aleo said it slipped his mind to mention that it was hard to abide by the terms of an agreement the Navy would not let him see. ("Promise to Keep Secrets Is Also Secret," *The Washington Post*, September 11)

September 1989 "Will the recent disclosure that Department of Energy labs have been allowing foreign countries to obtain sensitive information on nuclear weapons lead to a crackdown on scientific access? Researchers are concerned that the findings of a General Accounting Office investigation could hinder access to legitimate material requested under freedom-of-information laws. The June GAO report, which was commissioned by the Senate Governmental Affairs Committee, reported that in 1987 the Los Alamos, Lawrence Livermore, and Sandia national labs approved nearly 300 requests from nations believed to have secret nuclear-weapons programs for information on subjects such as detonators, high explosives, and neutron generators.

"The report recommends that DOE 'seek a legislative exemption from the Freedom of Information Act' for unclassified data that could be of use to such 'sensitive' countries. But David Albright, senior staff scientist for the Federation of American Scientists, warns that such a move 'tends to inhibit research that sounds like it might be weapons-related even if it isn't.' So far, Congress hasn't decided if it will take GAO's advice, nor has DOE solicited such an exemption. But a committee staffer cautions that 'ultimately, if a trade-off must be made between the rigors of security and the benefits of information dissemination, the balance has to be toward security.'" ("DOE May Stem Flow of Information," *The Scientist*, September 18)

September 1989 The Federal Housing Administration, which is administered by the Department of Housing and Urban Development, suffered losses of \$4.2 billion in fiscal year 1988, nearly five times

more than the Reagan Administration reported at the time, a two-year audit by the General Accounting Office and Price Waterhouse accounting firm shows. Both HUD officials and GAO cited poor management practices, high turnover and inadequate staffing at HUD during the Reagan years as major contributors to the FHA's fiscal problems. Economic downturns, during which more borrowers than usual suffer economic losses and fail to pay their mortgages, contributed to the difficulties. ("\$4.2 Billion Loss Uncovered at FHA," *The Washington Post*, September 28)

October 1989

Someone is directing food safety and nutrition policy in the United States, and it does not seem to be the federal government. Increasingly, supermarkets, food companies, states and private organizations appear to be running the show. Responding to the public's skittishness over the safety of the food supply and its desire for more meaningful health and nutrition information on food packages, these groups are stepping in where they believe the federal government has stepped out. The unfortunate consequence, observers believe, is confusion for consumers and a credibility crisis for the government.

"All of it stems from the same thing," says Stephen Gardner, assistant attorney general for Texas. "We're beginning to see the fruits of the failure of the great Reagan deregulation era. Just as we're going to have to spend \$50 to \$100 billion to remedy S&L deregulation, we're seeing what's happening as a result of deregulation of consumer protection." Gardner believes that the past years of laissez-faire government have created an ironic backlash. Now it is the food industry that is calling for stronger federal regulation.

"Some things should be left to the government," said John Cady, president of the National Food Processors Association. "I believe that food, diet, nutrition and health are complex issues that have to be treated from a central point and that should be the federal government." Gardner and other critics say that industry is only balking now because it would rather be directed by a pro-business federal government than by private groups or 50 different states.

Some point to the Office of Management and Budget as the reason for FDA's paralysis, since regulatory proposals are frequently blocked by OMB during its review. OMB proved to be a particular hindrance in the development of a health claims

regulation, various versions of which have been going back and forth between the FDA and OMB since 1987. "The bottom line is that OMB has inadvertently but nonetheless destroyed the entire regulatory framework for food labeling," said Bruce Silverglade, an attorney with the Center for Science in the Public Interest.

Regardless of OMB's impact, others believe "deregulation" never happened. "A repeal of regulations never occurred," said Peter Barton Hutt, a former chief counsel for the FDA and now an attorney with Covington and Burling. "There has been a diminution of resources [at FDA]. How can you enforce your existing regulations if you cut your inspectors in half?" Others blame Congress for not appropriating the proper funds to FDA, an agency that regulates products for which consumers spend 25 cents out of every dollar.

As for the future of private intervention into federal policy making, an FDA official who asked not be identified said he believes it will get worse so long as the federal government does not play a more active role. "It will continue until it gets so chaotic that someone demands something happen," he said. ("Who's Minding the Store?" *The Washington Post*, October 4)

When the Navy bought 80 new Phalanx Close-in Weapon Systems to help protect its ships from missile attacks, it also bought a \$546,261 service warranty to protect the Navy from excessive repair costs. During the 12-month warranty period, the Navy reported 251 failures on the antimissile systems, but the contractor paid none of the repair costs. The warranty stated the company was responsible for repairs only if the Navy experienced more than 5,238 failures.

The GAO found that the Navy, as well as other commands throughout the Pentagon, were depending on contractors to keep records of warranty claims. In addition, GAO found some agencies, such as the Naval Sea Systems Command, used inadequate information to determine warranty requirements. The Defense Department said that not enough time has elapsed since the inception of most warranties to accumulate enough data to perform any meaningful analyses on the value of some warranties. The Army reported that it paid \$9.6 million in warranties for engines on its M-1 tanks, but was reimbursed for only \$10,453 worth of claims by the end

of the warranty period in 1987. The contractor refused to pay many claims because they were not filed within the required 90 days, the GAO found. ("Pentagon Warranties: Not Worth Price?" *The Washington Post*, October 10)

October 1989

Contracting out has gone too far at the National Aeronautics and Space Administration, agency officials say. The pace of privatization is undermining the agency's ability to insure safety, guard against mushrooming contract costs, and manage its operations, NASA Deputy Administrator James Thompson told Richard Darman, director of the Office of Management and Budget, in a recent letter. "Management and internal control oversight had inherently governmental functions which are adversely affected by initiatives like the current strong OMB emphasis on contracting out," he said.

Deputy Personnel Director Stan Kask said NASA was founded on the premise that contractors would perform much of the agency's mission. But the agency has now reached the limit of what jobs can be contracted out without chipping away at the "critical core in science and engineering as well as the administrative core." Kask cited two areas where further contracting out would endanger NASA's ability to manage its operations: security and information systems. Within information resources, which includes NASA's libraries and computer systems, more than 6,000 positions are held by contract employees and 1,000 are civil servants. "If you contract out more civil servants in those areas, you are reaching the critical limit to safeguard the management of the contracts," Kask said. ("Contracting Out at NASA Imperils Mission, Official Says," *Federal Times*, October 16)

October 1989

The government's system of gathering economic statistics, much like the nation's highway network, is badly in disrepair. Statisticians and economists, both in and out of government, say that a combination of budget cuts and deregulation—much of it a legacy of the Reagan era—is eroding important yardsticks and undermining policy makers striving to guide the economy. Furthermore, despite an effort by the Bush Administration to reverse the trend, statistical agencies face more spending restraint this year. This could compound the damage, hurting some well-known reports, including the index of leading economic indicators, and reducing the frequency of data collection or eliminating some data altogether.

These numbers affect the lives of all Americans. Social Security payments and some wages are tied to the official inflation rate, and the government uses statistics to help evaluate welfare and other social programs. On a broader scale, bad numbers can mean bad policy and a recession instead of a recovery. The financial markets increasingly jump up or down, making or losing millions for investors, with each new economic report—and with the revisions that follow.

Critics see two problems: Current statistics, they say, are deteriorating because staffs and data collection have been cut and sampling techniques have not kept up with the economy. They also maintain that budget cuts have forced statistics agencies to skimp on research needed to make data reflect broader changes in the way the economy functions. Economists are debating whether important statistics like productivity, savings and the GNP really measure what is going on in the economy. It will not be long, some say, before the government will be trying to set economic policy with a statistical compass so inaccurate that it cannot find north.

Changes begun before the Reagan era but continued under President Bush have also hurt. Deregulation of some industries, like airlines, and a cut in required paperwork for business reduced the amount and variety of data collected. Because of a changing attitude about government and the restraint on pay, there also has been a general decline in the quality of the people attracted to the statistical agencies. Janet Norwood, the commissioner of the Bureau of Labor Statistics, said the Consumer Price Index needs, but does not have, an adequate measure of medical costs, which now make up 12 percent of the gross national product. "We have to have the resources to keep up with the changes," she said. "Because these are tight times we don't. And that's what is scary." ("Accuracy in Short Supply in Flood of U.S. Statistics," *The New York Times*, October 30)

November 1989 The federal government is doing less than it has done in the past and than is needed now to build the foundations for understanding education according to Lois-ellin Datta, director of GAO's Program Evaluation in Human Services Areas. Datta, testifying before the Senate Subcommittee on Government Information and Regulation, gave at least two reasons for the decline in information-gathering activity.

The first and most important reason is the large decline in federal funds for the purpose. GAO found a second reason in problems with the OMB paperwork review process that particularly affect new, research-oriented data collection and that appear to be resulting in more-than-usual difficulty for the Department of Education. In addition, GAO concluded that a recent evaluation involving four school districts suggests that local data remain problematic for outsiders to use for purposes beyond those initially intended. ("Education Information: Production and Quality Deserve Increased Attention," GAO/T-PEMD-90-7, November 1)

November 1989 In a letter to Senate and House intelligence committee leaders setting forth his intentions on notifying them of covert operators, President Bush has cited the same broad legal interpretation that the Reagan Administration invoked in withholding notification to Congress of the secret White House arms-for-hostages operation with Iran. In a letter dated October 30, Bush said he intends to provide notice to the committees. "In those rare instances where prior notice is not provided, I anticipate that notice will be provided within a few days," Bush wrote. But then he added that he retained the right not to inform Congress if he chose.

Bush's assertion that he has constitutional authority to withhold notification was part of a deal worked out on the notification process in White House negotiations with Sen. David Boren (D-OK), chairman of the Senate Select Committee on Intelligence, and Sen. William Cohen (R-ME), the panel's vice-chairman. ("Bush Cites Reagan's Reasoning on Covert-Action Notification," *The Washington Post*, November 1)

November 1989 Chancellor Joseph Murphy, of the City University of New York, called for congressional hearings on reports that the FBI ran checks on librarians and others who opposed a bureau program to identify what the FBI said were Soviet espionage activities in U. S. libraries. The inquiries by the FBI followed the 1987 disclosure of the bureau's "Library Awareness Program," which was protested by many library officials.

Under the program, FBI agents asked librarians in at least 21 scientific and technical libraries—most in the New York City area—to report any "suspicious" patrons, or those with Soviet-bloc identification or foreign-sounding names, said Tom Blanton of the National Security Archive. An FBI memo

included among documents released to the Archive through the Freedom of Information Act stated that the bureau had run file checks on 266 persons "to determine whether a Soviet active-measure campaign had been initiated to discredit" the agency's program, Blanton said.

The American Library Association has also protested the FBI's actions. "It's not consistent with First Amendment principles to investigate somebody on the basis of what he reads," said ALA's Anne Levinson, "nor to investigate somebody because he stands up to defend a First Amendment principle." The FBI denied that the checks were "investigations" of anyone in opposition to its program, which began in 1962 and still continues. FBI spokesman Gregory Jones explained that the inquiries were the sort of "routine checks" that are made on anyone who contacts the bureau to determine if that person previously has been in touch with the FBI, or has ever been under federal investigation. ("Reports That FBI Checked on Librarians Prompt Call for Congressional Hearings," *The Chronicle of Higher Education*, November 15)

November 1989 House Armed Services Committee Chairman Les Aspin (D-WI) accused the Bush Administration of deliberately withholding intelligence data that might have spared political pressures for weapons cuts. Aspin said recent evidence indicates the Soviet military budget is declining, that its weapons production has been reduced, and that Moscow "has retrenched somewhat in several strategic programs" such as ballistic missiles, a new bomber, and a submarine.

But, he said, the Administration and its supporters recently have made statements to the contrary that are "outdated at best and absolutely false at worst," and thus are blocking a meaningful discussion of U. S. defense priorities. "We need to level with the American people about what has changed and what has not changed in the Soviet military. Keeping new information bottled up in intelligence channels is shortsighted," Aspin said in a speech to a meeting sponsored by the American Association for the Advancement of Science. President Bush "should uncork the intelligence bottleneck" and "trust the American people to make the correct decision when given correct information," Aspin said. ("Aspin: U.S. Suppressing Data on Cuts," *The Washington Post*, November 17)

November 1989 Several government agencies have complained that the Government Printing Office is charging too much for the agency publications GPO sells to the public. The resulting concern from Sen. Wendell Ford (D-KY), chairman of the Joint Committee on Printing, has prompted GPO to assemble a Documents Pricing Task Force to rethink its price formula. "This information is the people's information. And we want to see them get it," aid John Chambers, JCP staff director. But GPO's director of Document Sales Service, Jay Young, said that the information is affordable. "Most of the small publications have come down in price while some of the larger ones have gone up," he said. ("GPO Accused of Charging Too Much," *The Washington Post*, November 24)

November 1989 U.S. District Judge Claude Hilton dismissed all four Iran-Contra criminal charges against former CIA official Joseph F. Fernandez, ruling that Fernandez could not fairly defend himself without public disclosure of secret information that the Bush Administration refuses to release. Hilton made his ruling two days after Attorney General Richard Thornburgh, on the advice of CIA officials, filed an affidavit with the court that blocked use in the trial of CIA material that the judge last July had ruled Fernandez was entitled to use in his defense.

Some aides of independent counsel Lawrence Walsh said that the CIA, by stubbornly seeking to bar use of some secrets that had already been published, sought to scuttle the trial partly to avoid public disclosure of embarrassing new information about the agency's role in the Contra resupply operation. ("Fernandez Iran-Contra Case Dismissed," *The Washington Post*, November 25)

November 1989 Reporter Carole Sugarman wrote a lengthy article describing the coming legislative battle over pesticide standards in light of how little we really know about risk-assessment. The Administration has announced its intentions to overhaul the nation's pesticide laws. Two other bills pending in Congress take different approaches. All three plans attempt legislative definitions of "negligible risk"—that is, legal maximum levels for a pesticide residue remaining on food. Sugarman maintains that in this case—as in so many of the efforts to legislate chemical safety levels—the only thing certain to be true is how little we really know about whether a substance is dangerous, safe, iffy, or anything in between.

Sugarman concludes that efforts should focus on improving data. Much of the needed information—such as actual residue levels—exists; but the public has not demanded it. "This doesn't mean, of course, that everyone would interpret the data similarly. But it would give risk-assessment more credibility, the public more confidence and parties on all sides less latitude for sloganeering." ("Assessment Risk: A Risky Business," *The Washington Post*, November 26)

November 1989 "Independent researchers should be given access to secret government files on worker exposure to radiation at federal nuclear weapons plants, an advisory panel to Energy Secretary James D. Watkins has recommended. The recommendation, if accepted by Watkins, would mean a historic shift in the government's stance on public access to medical and radiation exposure records." ("Exposure to Radiation," *The Washington Post*, November 29)

November 1989 The Justice Department's Bureau of Prisons announced proposed rules that would restrict press access to inmates and would allow wardens to ban reporters who do not "verify any allegations" about the nation's prisons with "authorized" prison officials. "It's just breathtaking. It's like something some high school student council would have tried to impose," said Bruce Sanford, an expert on press freedom and lawyer for the Society of Professional Journalists. "I see it as an attempt to control the flow of government information in a very severe, threatening way," Sanford said. "And in a crude way."

The rules, which some journalists say are a reaction to recent stories about flaws in the federal prison system, would revise 10-year-old rules on how the news media can interview prisoners or enter prisons. John Pendleton, a public affairs officer for the Bureau of Prisons, said that the proposed rules were written to help the bureau deal with a prison population that has almost doubled in the last decade. Pendleton said the proposed rules, which are open to public comment until January 12, were designed to deal with "the drain on staff resources when it comes to coordinating media visits." ("Restricting Press Access Behind Bars," *The Washington Post*, November 29) [See following story.]

November 1989 Attorney General Richard Thornburgh, expressing new frustration about press leaks within the Justice Department, said he has ordered a sweeping review of the department's public

information policy with the aim of further restricting the number of officials who may talk to reporters. In a frequently testy exchange with reporters, Thornburgh said new guidelines being drafted will "raise the deterrent factor" for leakers, whom Thornburgh described as "criminals," and will ensure that the department speaks "with one voice on policy matters."

Hours later, however, Thornburgh abruptly revoked one of the first results of the review—new regulations for the Bureau of Prisons that would have restricted reporters' rights to interview federal inmates and permitted prison wardens to bar reporters who would not "verify any allegations" about federal prisons with corrections officials. Speaking at the department's daily press briefing, Thornburgh appeared to defend the new rules, saying the Bureau of Prisons had acted "according to my instructions to review their policies." But late in the day, Thornburgh, in a news release, said the proposed rules were being revoked because they had been "submitted prematurely and without my personal review."

The only example of a damaging leak cited by Thornburgh was the disclosure of the FBI's espionage investigation of U. S. diplomat Felix Bloch, who has not been charged or arrested. But Thornburgh's concern about leaks dates to earlier this year when he laid off six of the department's 10 career public spokesmen and ordered that all releases of substantive information be cleared through a longtime Thornburgh aide. Critics said Thornburgh's new guidelines appeared to be an attempt to "muzzle" Justice employees and field agents and will end up being counterproductive. "It can never work," said Robert Feldkamp, who retired last year as chief Drug Enforcement Agency spokesman. "The people who would normally talk will still just talk surreptitiously." ("Thornburgh Wants Justice to Speak 'With One Voice.'" *The Washington Post*, November 30)

November 1989 The Central Intelligence Agency has had in its possession since its creation 42 years ago a document that could have kept Kurt Waldheim from being named United Nations secretary general, the World Jewish Congress said. The document is a report of a British army interrogation of a captured German soldier who named Waldheim as a German army intelligence officer in the Balkans, a fact about the current Austrian president that was kept secret until 1986. The World Jewish Congress, which has been probing Waldheim's wartime past

for three years, said it had obtained the document from European sources after being repeatedly rebuffed by the CIA. ("CIA Held File on Waldheim War Role," *The Washington Post*, November 30.)

November 1989 Increasingly, the Government Printing Office is notifying the nation's 1,400 depository libraries that government publications are unavailable for distribution through the Depository Library Program. The following statement is frequently used now in the newsletter of the Federal Depository Library Program:

This publication will not be distributed to depository libraries, the agency could not provide sufficient copies for distribution, and GPO cannot legally reprint copies of publications not procured through GPO, as defined by 44 U.S.C. §1903.

("Whatever Happened To . . . ???" *Administrative Notes*, November 30)

December 1989 Two young academics turned entrepreneurs have discovered a way to gather numbers that describe in detail every nook and cranny of an economic black hole. Their focus: hospitals, a multibillion-dollar industry whose operating figures are largely a mystery. That is because 84 percent of all U. S. hospitals are not-for-profit organizations, which are not required to publicly disclose their financial results. But George Pillari and Steven Renn have managed to pierce this veil of confidentiality to compile the most complete and up-to-date set of data on U. S. hospitals available anywhere.

Their solution: Use the federal Freedom of Information Act to obtain highly detailed Medicare reimbursement reports that each of the nation's roughly 6,000 hospitals files annually with the government. Pull key figures—such as current assets, occupancy rates, and debt per bed—from these reports, insert them in a computerized database and sell the figures to insurance companies, investment bankers, accounting firms, hospital bond traders, and hospitals themselves. It is a variation on the increasingly profitable theme of recycling available data to new users, which many entrepreneurs are exploiting.

And the Baltimore entrepreneurs have gone one step further: They are even selling their data to the client that col-

lected the figures in the first place—the federal government. At least one federal agency has paid them to decipher the very figures the government ordered the hospitals to submit, but which arrive in a form too complex to interpret easily. ("Hospital-Data Firm Recycles Public Statistics for a Price," *The Wall Street Journal*, December 6)

December 1989 Lawyers for former President Reagan asked a federal judge to rescind a subpoena seeking his personal notes and diary entries in the Iran-Contra trial of former national security adviser John Poindexter saying the action infringes on a president's confidential communications "with himself." U. S. District Judge Harold Greene last month authorized Poindexter to subpoena Reagan's personal notes and diary notations after ruling that there was a "substantial likelihood" that some of Reagan's writing would be necessary for Poindexter's defense.

Reagan's lawyers said Poindexter's subpoena was overbroad and "lacks sufficient specificity." Poindexter's specific document request, which was filed under seal, asks Reagan for "all notebook, diary entries and/or personal notes" involving "67 enumerated categories" of information or actions relating to the Iran-Contra affair, according to Reagan's lawyers. A central component of Poindexter's defense is that Reagan authorized some activities for which Poindexter is indicted. Reagan recently signed a \$5 million deal with Simon & Schuster to write his memoirs and a book on his presidential speeches. Greene has not ruled on Poindexter's intent to subpoena Reagan as a trial witness. ("Reagan Moves to Quash Subpoena," *The Washington Post*, December 7)

December 1989 A former Boeing Co. executive, Richard Lee Fowler, described by federal prosecutors as the hub of a network of defense contractors who trafficked in classified Pentagon budget reports in the early 1980s, was convicted by a federal jury of conspiring to use secret government data in his company's quest for huge defense contracts. Fowler could be sentenced to 300 years in prison and fines of \$255,000.

Assistant U. S. Attorney Randy Bellows assailed Fowler for transmitting classified information on unsecured telephone lines, defacing documents to conceal his source of the reports, for hiding and destroying documents illegally, and for passing out secret documents in the parking lot of his office. John Bray,

one of Fowler's attorneys, argued that his client provided documents that were readily available throughout the defense industry and even from some military library services. ("Ex-Boeing Aide Guilty of Trafficking in Secrets," *The Washington Post*, December 8)

December 1989 A structural engineer hired to study the effects of a possible earthquake on the Energy Department's nuclear weapons plant at Oak Ridge, Tenn., was fired after he reported that the walls would fall down. Other engineers rewrote the study to say they would not. The engineer, Paul Nestel, reported September 25 that the unreinforced clay tile walls of the main building of Oak Ridge's Y-12 nuclear plant would give way if struck by an earthquake with a lateral force of .12 percent of gravity, well below the .19 percent used nationwide as the "design basis" for quake vulnerability studies.

By October 30, after meetings at which his conclusions were discussed, engineers from Lockwood Greene Inc., of Oak Ridge, Nestel's employer, and Martin Marietta Energy Systems Inc., which operates the Oak Ridge plant for the Energy Department, reported to the agency that the walls "have the capacity to withstand the design-basis earthquake." Nestel, who was fired November 3, gave copies of the documents to *The Washington Post* because, he said, he had "no reason to stay silent" after he was dismissed. He accused the contractors of "burying unfavorable reports," in violation of strong orders from Energy Secretary James Watkins to put safety considerations ahead of production demands at all plants in the troubled nuclear weapons complex.

Oak Ridge and the Energy Department's Savannah River, S.C., complex have been cited as vulnerable to earthquakes, and new buildings are built to stronger specifications. But Y-12 began operating in 1944 when, Nestel said "nobody other than California paid any attention to this." He said a fault known as New Madrid, 120 miles from Oak Ridge, "altered the course of the Mississippi River the last time it slipped, in the 19th century. If it slipped again, it would certainly destroy those walls." ("Engineer Fired After Calling Nuclear Plant Vulnerable," *The Washington Post*, December 12)

December 1989 Voice, a six-year-old Voice of America publication, has become a victim of its own success. Faced with a tight budget and a growing demand for the bimonthly, the VOA has

placed the publication on the auction block. VOA spokesman Joseph O'Connell said that if no one is willing to take over the magazine, it probably will fold. "We would very much like to continue the magazine, but we are simply finding we don't have the resources for it," he said.

What the VOA would like to do is "privatize" the magazine—that is, find a publisher willing to print it and sell it to VOA listeners overseas. The publisher could sell advertising in the publication. The National Aeronautics and Space Administration took similar action several years ago with NASA Technical Briefs, converting the government publication into a private publication, O'Connell said. For years, the Defense Department has encouraged military bases to contract with private publishers to sell advertising in base publications in return for printing the papers.

O'Connell said, however, that the VOA is uncertain that its publication, which by law cannot be offered in the United States, would be welcomed by a private printer. The VOA recently requested proposals from private organizations and is evaluating them, he said. Printed in English at a VOA printing plant in Manila, Voice is distributed free to about 155,000 readers, many of whom are in Africa or India. Requests for the publication come in at the rate of 4,000 to 5,000 names a month. About 50,000 names are on a waiting list because the VOA cannot afford to add them to the mailing, Voice editor Frank Cummings said. The publication includes features on VOA personalities and carries its English-language program schedules. Created by a staff of five in Washington, it costs about \$300,000 a year to publish, O'Connell said. ("Success on Paper Could Cause VOA to Lose Its Voice," *The Washington Post*, December 11)

December 1989 The Defense Department, citing a consensus in the U. S. intelligence community, told President Bush in a classified study in May that the Soviet Union was reversing a 20-year pattern of growth in military spending. But Bush and his senior advisers continued until November to assert that Soviet defense spending was growing. At the same time, the Administration continued to press Congress to approve the \$295.6 billion defense budget for fiscal 1990 agreed to at the May budget "summit" by congressional and Administration officials.

Senior Administration officials ceased public assertions of higher Soviet military spending last month after *The Washington Post* and *The New York Times* published articles in which unnamed intelligence analysts expressed the opposite view. ("Bush Alerted in May to Soviet Military Cuts," *The Washington Post*, December 11)

December 1989 The Public Health Service has censored information on the health consequences of abortion, punished federal scientists whose results conflict with Administration policy, and "severely restricts" research on the issue, according to a report released by the House Government Operations Subcommittee on Human Resources and Intergovernmental Relations. The report also criticized former Surgeon General C. Everett Koop for withholding last January a long-awaited study on the medical and psychological impact of abortion, even though he reached many conclusions that could have been published. Koop said that he declined to release the report because the studies on which it was based were flawed. The report cited voluminous evidence obtained by the Centers for Disease Control that adverse medical effects of abortion are rare. ("Agency Censored Abortion Data, Hill Report Says," *The Washington Post*, December 11)

December 1989 The Supreme Court, narrowing the reach of the Freedom of Information Act, ruled six to three on December 11 that government agencies may refuse to release documents "compiled for law-enforcement purposes" even if the material was prepared long before any investigation started. The court said documents that ordinarily would have been available under FOIA can be transformed into documents exempt from disclosure once the government gathers them together in the course of an investigation. The FOIA case involved a request by Grumman Corp. for documents related to a 1978 audit by the Defense Contract Audit Agency.

Justice Antonin Scalia, dissenting with Justice Thurgood Marshall, said the court was violating its rule that FOIA exemptions must be interpreted in favor of disclosure. The law-enforcement requirement "is readily evaded (or illusory) if it requires nothing more than gathering up documents the government does not wish to disclose, with a plausible law-enforcement purpose in mind," Scalia said. "That is a hole one can drive a truck through." ("Freedom-of-Information Act Curbed by High Court," *The Washington Post*, December 12)

December 1989 The White House rejected a request from Iran-Contra prosecutor Lawrence Walsh that President Bush intervene to prevent the creation of "an enclave of high public officers free from the rule of law," the independent counsel said in a report to Congress released on December 11. Walsh charged that senior intelligence officials motivated primarily by institutional self-interest can prevent the release of classified documents that could lead to exposure of wrongdoing by current or former officials by government intelligence agencies. In an October 19 letter to Bush, Walsh said only the President can force U. S. intelligence agencies to release classified information needed for Iran-Contra criminal prosecutions.

Walsh's growing concern about the classified information issue stems from the dismissal in November of all charges against a former Central Intelligence Agency official indicted for his role in the Iran-Contra affair. Walsh now fears that the same secrecy issue could scuttle the coming trial of former national security adviser John Poindexter, the highest-ranking Reagan Administration official charged in the scandal. ("Bush Rejected Plea on Iran-Contra Data, Walsh Says," *The Washington Post*, December 12)

December 1989 Office of Management and Budget Director Richard Darman is planning to combine the federal budget books into one 1,600-page volume. Darman has ordered that the fiscal 1991 budget, due for release January 22, incorporate seven separate volumes in one big book, according to Administration officials. Gone will be the "Special Analyses" with its chapters on federal credit programs and tax expenditures. Gone also will be the "Budget in Brief," the historical tables, the appendix, the "Major Policy Initiatives," and the management report. Instead, the information traditionally provided by those volumes will be boiled down and included in the new super budget book, along with a somewhat condensed version of the "Budget of the United States Government," as the main budget book is called.

The development is stirring concern on Capitol Hill, where some who have heard of Darman's plans are worried that he may be attempting to obscure the nature of the spending cuts the Administration is proposing. Sen. Jim Sasser (D-TN), chairman of the Senate Budget Committee, has written Darman to warn that Congress will not be satisfied if the White House submits a budget containing only sketchy details of cuts, like

the one Bush sent to Capitol Hill in February. Peter David, a budget expert with Prudential-Bache Securities' Washington office, is also worried. "It is going to be very difficult for even seasoned budget analysts to get to the bottom of what the Administration is really up to," he said. The budget format will offer one clear advantage over its predecessors—cost. The Government Printing Office expects to charge about \$21 for a bound volume and \$7.15 for a paperback. A full set of fiscal 1990 budget books cost \$94.50. ("OMB Chief Wielding Knife on Budgetary Explanations," *The Washington Post*, December 13).

December 1989 In their zeal to cut the fat out of government, Reagan Administration officials also cut the managerial muscle that was responsible for watching over the government's financial liabilities and obligations. The result is tens of billions of dollars in losses and the potential for untold billions more. As more and more essential functions have been "privatized," the government's control and its accountability to the public have been eroded. ("Regulators Say 80s Budget Cuts May Cost U.S. Billions in 1990s," *The New York Times*, December 19)

January 1990 Members of the House Government Operations Committee have charged that the Bush Administration is deliberately violating a law that bans funding for an employee secrecy pledge. At an emergency hearing on December 20, 1989, legislators demanded an explanation from Steven Garfinkel, Director of the Information Security Oversight Office, for the Administration's continued use of Standard Form 312. By signing the form and its predecessor, SF-189, about three million employees and military members with classified access have pledged not to divulge classified information, or unmarked information they should know is classified, to unauthorized people.

The secrecy pledge has been a battleground for Congress and the Reagan and Bush Administrations since 1983, when the former President issued an order increasing use of nondisclosure agreements. For several years, Congress has banned funding to disseminate the forms through the appropriations process. When President Bush signed the fiscal year 1990 appropriations bill into law, he protested that the section on the secrecy forms was unconstitutional. Garfinkel told legislators that the Administration believes it is following the only constitutional interpretation of the law by, in effect, ignoring its ban on funding for the SF-312. Garfinkel reported that ISOO

wrote to all agencies in November instructing them to continue using the SF-312, and another form, SF-4355, that binds employees with access to special compartmented information to prepublication review of their writings and speeches.

Committee Chairman Rep. John Conyers (D-MI) repeatedly asked Garfinkel how the Administration arrived at the decision he characterized as "flaunt[ing] the law and assert[ing] a presidential power to ignore duly enacted statutes." Garfinkel refused to tell Conyers the names of Justice Department, White House, and Central Intelligence Agency officials participating in deliberations on continuing to use the forms. Garfinkel also refused to provide the Committee a copy of the Justice Department opinion buttressing ISOO's decision to write to agencies, but he did offer to provide a Justice explanation of its rationale instead. (" 'Secrecy' Pledge Stirs Up Capitol Hill," *Federal Times*, January 1)

January 1990

Work-force statistics influence business investment decisions, union wage contracts, Social Security payments, and federal economic policies. A report for the congressional Joint Economic Committee, "Workforce Statistics: Do We Know What We Think We Know—And What Should We Know?" focuses on the periodic surveys of workers and businesses conducted by the Census Bureau and the Bureau of Labor Statistics. The underlying concern is that statistical activities at the two agencies have not kept pace with rapid changes in the American economy during the 1980s.

"In a changing economy, statistical policy must look ahead, attempt to anticipate change and provide for it," said Rep. Lee Hamilton (D-IN), chairman of the Joint Economic Committee. "Over the past decade, however, our statistical programs have been allowed to deteriorate." Several shortcomings of the surveys were cited: significant variance between some Census and BLS data, cutbacks in sample size because of budget cuts, vague questions, and refusals by participants to answer questions about earnings. ("Work-Force Statistics Under Fire," *The Washington Post*, January 1)

January 1990

From 1947 until the early 1960s, two federal agencies struggled in secret over the fate of thousands of men who were being exposed to hazardous levels of radiation while mining uranium for the nuclear weapons industry. The Atomic Energy Commission prevailed in the battle over mine safety

with the Public Health Service. The result has been a widening trail of deaths and disabilities from lung cancer across Arizona, Colorado, New Mexico, and Utah, according to federal and state researchers. Hundreds of other men have been disabled by the disease.

The history of the lung cancer deaths and disabilities among uranium miners, which has been unfolding in public documents and congressional hearings since 1959, is still largely unknown outside the four-state mining region known as the Colorado Plateau. It is the most thoroughly documented evidence yet made public of how a secret government policy to put production ahead of safety in the nuclear weapons industry jeopardized the health of thousands of workers. Almost 4,200 miners who worked full time hauling uranium ore were secretly studied over the years. More than 400 have died of lung cancer—five times the number expected in a similar size group of American men, according to the National Institute of Occupational Safety and Health and the New Mexico Tumor Registry.

Caught between Atomic Energy Commission demands for secrecy and the belief that radiation in mines would produce an epidemic of lung cancer, the Public Health Service launched the country's first prospective epidemiology study to medically evaluate thousands of miners and follow them through their lives. In a pact that they now acknowledge was fraught with moral and ethical implications, the health specialists agreed not to tell the miners why they were undergoing periodic physical exams, chest X-rays, and blood, urine, and sputum analyses. The plight of the miners and the secret bureaucratic struggle of years ago is attracting renewed attention. Sen. Orrin Hatch (R-UT) and Rep. Wayne Owens (D-UT) have proposed legislation to compensate miners and survivors. ("Uranium Miners Inherit Dispute's Sad Legacy," *The New York Times*, January 9)

The Energy Department and the Environmental Protection Agency are using private contractors to perform sensitive tasks that should be done by full-time federal employees, according to a General Accounting Office report. At Energy, contractor personnel are used to rule on security clearance applications and to help department officials prepare for appearances before Congress. In one case, the contractor wrote

the testimony delivered at a hearing by Energy Secretary James Watkins.

The EPA has a contract with Geo/Resource Consultants, Inc., to answer questions from the public and from other government agencies on the "Superfund Hotline." GAO rejected EPA's argument that the contract employees are "merely a conduit for information." When the calls have to do with interpretations of EPA regulations, they "must be handled by EPA personnel," GAO said.

The report was prepared at the request of Sen. David Pryor (D-AR), who has been campaigning for some time to restrict the use of contractors to perform critical tasks, a practice that is widespread at both agencies. The Energy Department, for example, has 16,000 civil service employees, but more than 100,000 civilian contract workers, including most of the employees of its nuclear weapons manufacturing plants. "My ongoing investigations show that much of what the American public thinks of as its government is being turned over to an invisible bureaucracy of consultants and contractors," Pryor said in a statement. He said the GAO finding is "confirmation that something has gone very wrong when government officials are no more than mouthpieces or rubber stamps for testimony, rules and decisions prepared by private contractors." ("Contractors and 'The Public Interest,'" *The Washington Post*, January 22)

January 1990

Hampered by high publication costs and delays, OMB may change the format of the government's annual five-year automated data processing and telecommunications plans which the Paperwork Reduction Act requires the agency to publish. Instead of publishing a yearly summary of agency information technology spending and plans, OMB is considering making the information available through the National Technical Information Service and its own document room. OMB officials question the feasibility of publishing the two-volume set of documents because only a small segment of the public is interested in the information and many people already use the document room to examine individual agency plans.

The plan for fiscal year 1990 still has not been released. Sources said the plan was ready several months ago, but OMB Director Richard Darman has yet to approve the final

draft. Meanwhile, congressional sources said the Senate Governmental Affairs and House Government Operations committees will monitor closely any format changes to make sure OMB provides accurate data on time. Congress has criticized OMB for ignoring its management oversight responsibilities, and some members are concerned that a new dissemination scheme might limit public access to information. ("OMB Weighs Whether to Quit Publishing Annual Summaries," *Government Computer News*, January 22)

January 1990

An editorial, "Secrecy," in the January 22 *Government Computer News* deplored OMB's announcement that it wants to stop publishing the annual five-year automated data processing and telecommunications plans. The editor called that decision, and the one not to publish several special analyses as supplements to the annual federal budget, "a terrible decision and a worse trend." The information in the special analyses and management report is unavailable elsewhere. The editorial went on to state:

As for the five-year plan, it contains an absolute wealth of information. For a newspaper without readership it is vital. Sure, we can dispatch people to the OMB document room, but that is not practical when you realize the plan is a document we turn to regularly. Don't feel sorry for us; feel sorry for yourselves. If we don't have access to this information, you don't—not only because it won't appear in the pages of GCN but also because you are less likely than we to send someone to fetch it. Why is it federal agencies are so stingy with information? Why do most of them act as though the most ordinary of information—gathered with public funds for public purposes—constitutes state secrets? Why do they routinely use the provisions of the Freedom of Information Act as just one more bureaucratic impediment to releasing data the public should have access to? . . . Any trend toward more government secrecy is a trend in the wrong direction. There is no reason to believe OMB is trying to hide something by cutting back on these reports, but the effects will be harmful to all of us. The decisions should be reversed.

January 1990

U.S. television networks petitioned the Pentagon to make available all of the combat footage shot during the invasion of Panama. The Pentagon said no. The issues of news management and propaganda have again emerged in the wake of

an invasion that was poorly covered by the news media because reporters were barred from accompanying the troops. However, military photographers, carrying still and videotape cameras, shot footage which ABC, CBS, CNN, and NBC have asked to review for its news value.

Some footage was released by the Defense Department, but the networks asked the Pentagon to provide an index to all the footage, some of which is classified. David Martin, the CBS Pentagon correspondent, suggested that the Pentagon's primary interest in releasing videotapes was for the propaganda value: "The fact is that tapes get released very quickly if they tell the story that the Pentagon wants to be told and they get disappeared if they don't." A Defense Department official said that there is no intention of trying to assemble an indexed archive of videotape shot by combat teams during the Panama operation. The official said he thinks that the Pentagon should not get too deeply into producing the images of the news business, for it would only lead to greater skepticism that the military was controlling or managing the flow of information.

Reporters also raised the "hot tamale" issue at the briefing. Why did the military say it had seized 50 pounds or 50 kilograms of cocaine from Gen. Manuel Noriega's headquarters when, upon closer inspection, the illicit substance proved to be tamales wrapped in banana leaves? Officials in the Army's Criminal Investigation Division said recently that the tamales were used in Noriega's magic "binding rituals" against opponents or persons he wanted to control. Their report appeared to call into question how closely the military checked its information before alleging, as it did during the invasion, that it had discovered a significant cache of drugs in one of Noriega's lairs. ("TV Networks Ask Pentagon For Panama Combat Video," *The Washington Post*, January 24)

January 1990

A Jack Anderson and Dale Van Atta column details how the GAO is piecing together how one program was "put through the wringer" for six years because the Reagan Administration could not accept the notion that it worked. The program was the Special Supplemental Food Program for Women, Infants and Children, or WIC. About 3.4 million people are enrolled in the program, which costs \$1.93 billion a year. Needy pregnant women and children receive medical care and food.

For every \$1 spent on WIC, the government saves \$3 later in medical costs.

In 1981, the Department of Agriculture stalled an ongoing study that would have proved the value of WIC. Congress had authorized the study in 1978 and expected it to be done within three years. By the time it was finished, the study took six years and cost \$6 million. "And then the department printed so few copies that it was effectively kept under wraps," according to the authors. After many delays and rewrites, the report was ready to print in the summer of 1985.

Then, the Agriculture Department began to backpedal in earnest. By law, government printing jobs must be done at the Government Printing Office. A loophole in that law says smaller jobs, up to 25,000 pages, can be taken to commercial printers. The department treated the five volumes of the report as if each were a separate report, and negotiated five separate printing jobs. Since the fourth volume was 489 pages, the printer could produce only 50 copies of it, for a total 24,450 pages. After six years and \$6 million, the gutted study was finally distributed to a minuscule audience in January 1986. Only 50 people got all five volumes. It might have been buried there if David Rush, the official appointed to head the study in 1981, had not cried foul to Congress, which put the General Accounting Office on the trail. The GAO's "restricted" report damns the Agriculture officials' actions. ("Reagan Minions Stalled Welfare Study," *The Washington Post*, January 24)

January 1990

In reducing the federal budget publication from 11.9 pounds of prose in seven books to a single six-pound tome, OMB Director Richard Darman said that it was designed to provide more, not less, useful information in a more convenient form. However, OMB sent to Capitol Hill a 47-page guide to specific analyses and tables contained in the \$38 volume. Some reporters were not so lucky. Reporters from Cincinnati and Denver, eager to find out details about the Energy Department's proposed clean-up of nuclear plants in their areas were told that the numbers were not available in the budget, only in the "congressional submission," which they were allowed to photocopy. ("The Budgetary 'One Book'," *The Washington Post*, January 30)

February 1990

In a *Boston Globe* column, David Warsh presented his case for the need to update one of the federal government's eco-

conomic indicators, the standard industrial classification (SIC). The SIC code is like a Dewey Decimal system for the economy; it divides the innumerable ways in which businesses make their livings into broad categories, and then subdivides each. Looking at the SIC census is the key to gauging the changing composition of the economy. It is useful for everything from antitrust enforcement to direct marketing to city planning.

As an example of how out of date the SIC codes are, Warsh uses the example of semiconductor manufacturing equipment which is lumped in a four-digit, not-elsewhere-classified category, along with broom-making machinery, buttonhole and eyelet machines, cotton-ginning machines, cement-making, hat-making, and other specialized machinery. Warsh believes that the SIC is so central to discussion of the American economy and its role in world trade that the maintenance of the classificatory system will serve as a good bellwether of the Bush Administration's intentions to rebuild a statistical system. Its stewardship of the nation's statistics will in turn tell much about how it sets standards for everything else. Yet, in an Administration plan to boost spending on federal indicators by some \$50 million, work on SIC revisions was one of only two major cuts made by the Office of Management and Budget.

In discussing the reasons why the Administration may be lukewarm on the SIC code, Warsh speculates that it may be because it offers precisely the sort of data favored by would-be industrial planners: "And SIC data is crucial to the kind of 'food chain' arguments about the need to maintain cohesive vertical integration within high-tech industries that are becoming popular among engineers. Certainly it is impossible to argue clearly about the extent to which America has become a service economy without an extensive knowledge of SIC definitions." ("The Ailing SIC: On Rebuilding Federal Statistics," *Boston Globe*, February 4)

February 1990

The Commerce Department announced plans to abandon its computerized model of the economy, one of very few in the government, and the monthly publication associated with it called *Business Cycle Developments* (see Ed. note). Allan Young, the director of the Bureau of Economic Analysis, called the moves part of "a restructuring of our program" to better utilize resources at a time of budgetary restraint. About 30 pages of data contained in *Business Cycle Developments* will

be retained and published as part of the *Survey of Current Business*, another monthly publication. The disappearance of the department's economic model, which was for internal government use, will force various federal agencies to obtain such services from the private sector. ("Government Shift on Data," *The New York Times*, February 14) [Ed. note: In June, a BLS official reported that the computerized model and the publication had been eliminated. However, the publication in question was titled *Business Conditions Digest*, although it was called *Business Cycle Developments* until the late 1960s.]

February 1990

The National Archives has identified serious weaknesses in the Energy Department's program for managing its vast collection of records on the nuclear weapons industry, a finding that could undermine efforts by Energy Secretary James Watkins to make the nuclear weapons industry safer and more accountable to the public. For instance, last December, Watkins announced that classified records on plutonium production at the Hanford nuclear weapons plant in Washington State would be made public as part of a health study there. But more than two months later, the department has not identified how many records should be released, where they are, or whether information in them should remain classified.

The Archives investigators found that most weapons plants and laboratories had only one person to manage records, not nearly enough to meet the demands for information pouring in from the department's employees, other government agencies, Congress, and the public. The department was also criticized for failing to turn over to the Archives those records that had important historical value, but were no longer needed for current business. Archives said that one reason for the reluctance to transfer control of historic documents was that scientists and technical experts in the department considered its official records to be their personal property. In addition, there were sharp variations in rules for cataloging and making available records at each of the department's weapons plants and laboratories; records managers were not properly trained, and operated without adequate supervision from the department's headquarters.

Sen. David Pryor (D-AR) has been investigating Energy's use of private contractors. Among the contractors is History Associates, Inc., that is paid \$800,000 a year to declassify records. Sen. Pryor said: "It is appalling to see the ease with which

the most sensitive public tasks are increasingly turned over to private contractors without any evident consideration of the costs involved. It is a cruel irony that we withhold information from the public while paying private contractors to determine whether their fellow citizens have the right to see it."

Bryan Siebert, the director of classification and technology policy at the Energy Department, defended the use of a private contractor to declassify documents, saying it is entirely proper and a more efficient use of his budget. "There are no declassification judgments by contractors," Siebert said. "They work according to a classification guidance system, and their work is reviewed by a federal employee." The Environmental Protection Agency and the Defense Department also rely on private contractors to declassify records, although not as extensively as Energy. ("National Archives Criticizes Records on Weapons Plants," *The New York Times*, February 19)

February 1990

Dealing an unexpected setback to the deregulatory efforts of the Reagan and Bush Administrations, the Supreme Court ruled that the Office of Management and Budget lacked statutory authority to block certain regulations issued by other federal agencies. The Court held that OMB overstepped its authority two years ago when it disapproved parts of a Labor Department regulation requiring nearly all employers to warn their workers about the prospect of exposure to hazardous substances on the job. The 7-to-2 decision applies to a broad category of regulations over which the budget office has asserted control, affecting areas like food ingredients, housing inspections, and pension benefits.

In its decision limiting OMB's authority under the Paperwork Reduction Act, the Supreme Court did not address broader questions about the budget office role within the executive branch or its authority under various Presidential directives to oversee the work of other agencies. ("High Court Holds O.M.B. Overstepped Authority," *The New York Times*, February 22)

March 1990

Copyright law prohibits copyrighting the federal government's computer software. Testifying at a congressional hearing, GAO official Keith Fultz stated that senior officials at five agencies believe the government's inability to copyright and exclusively license federal software has significantly constrained their efforts to transfer computer software with potential commercial applications to U. S. businesses. Accordingly, GAO

believes effective transfer of this software is an appropriate goal that could be achieved by amending the copyright law to provide copyright and exclusive licensing authority. Such a fundamental change, however, must be balanced against the concern that it might reduce the public's access to federal databases and shift the federal laboratories' basic research mission. ("Copyright Law Constraints on the Transfer of Certain Federal Computer Software with Commercial Applications," by Keith O. Fultz, Director of Planning and Reporting, before the Subcommittee on Courts, Intellectual Property, and the Administration of Justice, House Committee on the Judiciary, GAO/T-RCED-90-44, March 7)

March 1990

In a March 9 editorial, "Info 'haves' and 'have-nots'," the *Boston Globe* quoted ALA President Patricia Wilson Berger's testimony before the Senate Governmental Affairs Committee about the reauthorization of the Paperwork Reduction Act. "A system of information 'haves' and 'have-nots' could be created: big business customers who can afford to buy, while students, individuals, libraries, and others cannot." Berger said she welcomes technologies that could improve access to information, but added, "They are equally capable of erecting artificial barriers to citizens' rights to know. The problem arises when libraries lack equipment, software, indexes, trained staff and expertise in the use of data bases." The editorial concluded that OMB should follow through on the Bush Administration pledge to reverse the Reagan information policies and, thus, guarantee the continued flow of free information to the public.

March 1990

Charles Richmond, forced to retire from the Navy when a vision problem made him unable to continue work as a welder, knew nothing of such technical, legal concepts as "detrimental reliance" and "equitable estoppel." But when Richmond lost his disability benefits in 1986, after receiving incorrect information from a Navy employment relations specialist who gave him an outdated government publication, he felt betrayed by his own government, and decided to fight. Richmond's case is before the Supreme Court, which is expected to decide whether the government can be barred from enforcing its laws against citizens who relied on incorrect information from government employees about taxes, Social Security benefits, retirement pay, or a host of other matters.

The government argues that citizens are "expected to know the law" and that it is "critical to the government's effective operation" that it not be penalized for the mistakes of government employees who fail to meet that standard themselves. Richmond was misinformed about the amount of additional income he could earn in addition to his disability benefits. When his income as a bus driver was \$919.26 over the allowance, he was informed that his benefits would cease. ("Misled by Government, Retiree Fights Back," *The Washington Post*, March 9)

March 1990

The Department of Energy says it will propose procedures to protect, from retaliation by their employers, nuclear weapons workers who complain about health or safety violations. The new procedures will extend the protections of the Whistle-Blower Protection Act of 1989 to about 100,000 employees of Energy Department contractors. Despite protections in the Atomic Energy Act and other laws, employees of four contractors at four different sites have said that after they raised safety concerns, their superiors ordered them to see psychiatrists or psychologists. Others have said they were harassed, demoted, or laid off.

Thomas Carpenter, of the Government Accountability Project in Washington, D. C., complained that the Department of Energy regional managers who would make decisions about employees' complaints are graded by headquarters on how well they meet production schedules and budgets. "A whistle-blower is often bringing up safety problems that can cost money," he said. Carpenter noted that other agencies draw hearing officers and administrative law judges from the Department of Labor. He said this made it more likely that they would be impartial than would be the case under the Energy Department procedures. ("Whistle-Blowers in Atomic Plants to Be Aided," *The New York Times*, March 10)

March 1990

The Reporters Committee for Freedom of the Press issued a report that listed nearly 100 instances of Bush Administration restrictions on press coverage, such as excluding a press pool from early coverage of the Panama invasion. The actions listed were categorized as either "disinformation," "prior restraints," "secret government," or "policing thought." The Committee's Executive Director, Jane Kirtley, said the report "chronicles the activities of a White House bent on controlling the presentation of news. The policy clearly fails to serve the

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interest of the American people." ("Curbs on Press Listed," *The Washington Post*, March 14)

March 1990

OMB Circular A-76 establishes federal policy for the performance of commercial activities under contract with commercial sources or in-house, using government facilities and personnel. According to OMB, annual savings from the implementation of Circular A-76 in fiscal year 1988 totaled over \$133 million. More than 80 percent of these reported governmentwide savings come from the Department of Defense. Yet, the General Accounting Office evaluation of DOD savings data shows that OMB figures do not accurately reflect the extent to which economy in government operations is being achieved. GAO found that neither DOD nor OMB has reliable information on which to assess the soundness of savings estimates, or knows the extent to which expected savings are realized. Complete and accurate savings information would help to reduce some of the controversy surrounding the A-76 program. ("OMB Circular A-76: DOD's Reported Savings Figures Are Incomplete and Inaccurate," GAO/ GGD-90-58, March 15)

March 1990

A report commissioned by the Pentagon has concluded that an excessive concern for secrecy on the part of Defense Secretary Dick Cheney prevented reporters from covering crucial engagements in the invasion of Panama. The report also asserts that the Defense Department failed to develop a detailed plan for news coverage because a preliminary plan was locked away in a safe to avoid its disclosure. ("Cheney Blamed for Press Problems in Panama," *The New York Times*, March 20)

March 1990

Scientists seeking to mine the huge trove of data gathered at great risk and expense in 30 years of space flight have found that much of it is so badly labeled or stored that extracting useful information can require years of ingenious detective work. The results can be well worth the effort. For example, scientists working with ten-year-old data recently constructed the clearest picture yet of the biggest volcano on Mars. And scientists planning future lunar missions are sifting through data recorded in the mid-1960s to produce detailed pictures of the dark side of the moon.

But it can take months and even years to pry useful information from the hundreds of thousands of magnetic tapes on

which it is stored. Many of the tapes are uncataloged. Some have been damaged by heat or floods. Even tapes in good condition may be missing the documents needed to decode them. Others are so old that computer experts no longer understand how they were programmed. Still others can be processed only on machinery so outdated that little of the necessary hardware remains. Even tapes that were properly stored contain so much information that scientists are only beginning to catalog it and put it on modern computer tapes and more advanced storage systems.

Despite recent efforts to preserve tapes at the Jet Propulsion Laboratory in California, the National Aeronautics and Space Administration has not been taking proper care of the bulk of their magnetic tape holds, gleaned from more than 260 scientific missions, according to a recent audit by the General Accounting Office. Hundreds of thousands of the agency's 1.2 million tapes are currently kept under "deplorable conditions" at various NASA facilities, said GAO's Ronald Beers. NASA has not performed an agencywide inventory of its magnetic tapes, and does not know what data are retained and what may have been lost. At several NASA storage facilities, tapes were found stacked on pallets, strapped down with steel bands, and left in rooms where the temperature reached 100 degrees.

However, new technologies are being developed to make better use of archived data. More data are being made available to scientists on compact disks as well as through a special computer network associated with six universities. ("Lost on Earth: Wealth of Data Found in Space," *The New York Times*, March 20)

March 1990

The scientific research now being generated throughout the world has important implications for U. S. competitiveness. If the United States is aware of foreign research activity, American scientific research and policy formulation can be enhanced. GAO looked at federal programs and activities that monitor foreign dual-use technologies—items that have both commercial and military uses. GAO found that six departments and independent agencies account for much of the current monitoring. Within these agencies, GAO identified 62 federal, civilian, and military agency offices and divisions that monitor foreign technology. There is, however, no central

source for identifying and coordinating agency monitoring. As a result, duplication and gaps in monitoring are more likely.

While federal monitoring has produced substantial information that would be of use to researchers, program managers, and policy makers in other federal agencies and in the private sector, there are several obstacles to the dissemination of this information. These obstacles include different hardware and software requirements to access databases, diverse foreign copyright laws, and limited resources for translating documents into English. Several possibilities exist to help improve access to monitoring information, such as a computer concept called gateways. ("Foreign Technology: U.S. Monitoring and Dissemination of the Results of Foreign Research," GAO/NSIAD-90-117, March 21)

March 1990

A March 22 *Washington Post* editorial, "Putting a Price on Information," commented on the March 19 Supreme Court decision to let stand a lower court ruling that the National Security Archive was a representative of news media and, therefore, could be charged only for cost of reproducing documents obtained through the Freedom of Information Act. The National Security Archive is a private group that collects government documents for use by researchers and the news media. The *Post* said that search and review costs are very subjectively determined, and some agencies have been known to set them as high as \$500,000 for a single FOIA request. Because these figures are difficult to challenge and—more important—usually lead a petitioner to abandon a request, it is important that the term "representative of the news media" be interpreted as broadly as possible so the exemption is more widely available.

Last July, the U.S. Court of Appeals for the D.C. Circuit, in a ruling the Supreme Court has now decided not to review, held that the archive qualifies for a fee schedule less than that charged to commercial users, because it "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." Publication is the key component of the definition, and it is broad enough to apply to free-lance journalists, authors of books, producers of newsletters, and others whose right to the exemption had been challenged. According to the editorial: "The court, true

to the intent of Congress, has made access to government information more easily and less expensively available through the media to the public. The decision is a clear victory for those who work for greater government accountability and a better informed electorate."

March 1990

GAO looked at Internal Revenue Service efforts to provide quicker and more accurate responses to taxpayer correspondence. The backlog of taxpayer correspondence is now substantial. In 1989, IRS monthly inventories of unanswered mail ranged between 323,000 and 740,000 pieces of correspondence. The Automated Inventory Control System, a part of the IRS Tax System Modernization program, is intended to improve the timeliness and accuracy of IRS responses to taxpayers. However, the system has not yet been designed, and the master plan for modernization has not been completed. It seems unlikely that any significant improvement will occur before 1992, when the IRS Automated Inventory Control System is expected to be in operation. In the meantime, interim projects—such as using facsimile equipment and expanding telephone usage—are underway or planned to help handle taxpayer correspondence. ("Tax System Modernization: IRS' Efforts to Improve Taxpayer Correspondence," GAO/IMTEC-90-26, March 22)

March 1990

On the eve of the Nuclear Regulatory Commission's issuance of a full-power operating license to the controversial Seabrook, N.H., nuclear power plant, someone leaked reports questioning safety conditions there to Robert Pollard, a nuclear engineer and critic of the industry who works for the Union of Concerned Scientists. The reports were from the Institute of Nuclear Power Operations, known as INPO, which is controlled by its members, the 55 electric utilities that operate nuclear plants. Its \$51.8 million budget comes from their customers' electric bills. INPO's stated purpose is to help member utilities achieve excellence in plant operations and operator training. But some critics say it has usurped, or taken over by default, some functions that should be exercised by the NRC.

Pollard shared the reports with Ralph Nader, whose Critical Mass Energy Project has been trying for years to persuade the federal courts to order the NRC to make INPO reports public. Appearing at a House Interior and Insular Affairs Subcommittee hearing March 14, Nader said: "INPO documents

which reflect unsafe conditions at Seabrook also serve to highlight the public's on-going lack of access to virtually all of INPO's vital records." He continued: "INPO reports are routinely made available to everyone concerned in any way with the construction and operation of nuclear plants in the United States, with the exception of the American public. Since INPO is funded by utility dollars, which come from consumer dollars, consumers are paying for the intolerable secrecy."

In two court challenges to INPO's role, Critical Mass has attacked the NRC for keeping INPO's reports secret and for allegedly abdicating its responsibility to set operator training standards. INPO is not a defendant. Justice Department lawyers, defending the NRC, said that access to INPO reports "allows the NRC to allocate its limited resources to those issues, and in a manner, having the greatest impact on the public's health and safety." If the NRC is forced to make INPO reports public, the lawyers said, INPO will stop making them available to the NRC, because INPO officials believe nuclear plant employees will be less than candid with investigators if they think their information will be made public. ("Is Industry Usurping NRC Functions?" *The Washington Post*, March 26)

First Amendment specialists have accused the Justice Department of deliberately abusing obscenity laws to drive mail-order companies out of business for distributing adult films and publications that were never determined to be obscene. The experts say the department's National Obscenity Enforcement Unit has practiced censorship by intimidation, using laws meant to restrict the distribution of individual products in selective communities to eliminate national distribution networks for a wide range of films and publications.

In the first federal case of its kind in the Washington area, Karl Brussel and his Connecticut-based Pak Ventures, Inc., were indicted in December on charges of mailing obscene videotapes to individuals in Northern Virginia. Brussel and his company also were charged with mailing the videos and related advertising brochures to addresses in the Eastern District of North Carolina and two federal districts of Alabama. "The goal [of multiple indictments] is to use prosecutorial threats and actions to coerce distributors of these kinds of materials to self-censor a broader range of materials than the government could achieve by law," said Bruce Ennis, counsel for the American Library Association. ("U.S. Accused

of 'Censorship by Intimidation' in Pornography Case," *The Washington Post*, March 26)

March 1990

In an opinion piece on March 27 in *The Washington Post*, "Uncle Sam Is Watching You," Rep. John Conyers (D-MI) said that the Bush Administration "could use a shot of glasnost." Among the four examples he used to illustrate the measures with "such significant impact on personal liberties," Rep. Conyers cited first the FBI Library Awareness Program. He described the program this way:

First, the FBI attempted to enlist librarians throughout the country in an attempt to unmask supposed Soviet agents rummaging through their stacks of unclassified, publicly available technical publications. It then conducted independent investigations of those librarians who objected to being conscripted into the intelligence service and reporting on their borrowers, "to determine whether a Soviet active measure campaign had been initiated to discredit" the FBI. The Committee on Government Operations is still awaiting an explanation from the FBI director as to how many of the objectors' names were permanently recorded in the bureau's data base.

Rep. Conyers' other examples included: executive branch secrecy agreements; the Justice Department's invocation of executive secrecy to interfere with the prosecution of a former CIA official on charges arising from the Iran-Contra affair; and the use of Standard Form 86, the revised employment questionnaire for employees designated as "sensitive."

March 1990

Energy Secretary James Watkins agreed to turn over to the Health and Human Services Department responsibility for long-term health studies of workers at the nation's nuclear weapons plants. The Department of Energy and its predecessor agencies had controlled the studies and kept them secret. He also ordered his staff to develop a plan for the release of health data in nuclear plant workers, their unions, and the public. Watkins said independent review of the health data was necessary to restore his department's credibility with 100,000 workers in the nuclear plants and with residents of nearby communities, who have charged for years that the Energy Department suppressed information about the damaging effect of radiation. ("Energy Defers to HHS on Safety Studies," *The Washington Post*, March 28)

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The official record of American foreign policy, published by the Department of State, contains serious "distortions" and "deletions," historians have charged. At the annual meeting of the Organization of American Historians, scholars passed a strongly worded resolution charging that changes in the process for reviewing sensitive material for inclusion in a documental series, known as *Foreign Relations of the United States*, threaten to undermine its credibility. At issue in the current controversy is not just the State Department series, many scholars say, but the federal government's overall policy on the classification of its records. "The difficulties with the series highlight the larger problems historians have faced gaining access to government materials," said Page Putnam Miller, director of the National Coordinating Committee for the Promotion of History. "In recent years, fewer documents have been made available, and fewer requests honored under the Freedom of Information Act. The real problem is that we have no systematic policy for declassifying documents."

Historians say problems with the State Department series have been mounting for more than a decade. Now numbering more than 300 volumes, the series has been published since 1861, but recently has fallen farther and farther behind schedule. Through World War II, volumes appeared about 15 years after the events they covered. Today, the lag has slipped to almost 40 years. The growing tendency of officials to withhold documents from publication has touched off the most recent wave of scholarly concern. Some scholars charge that the department classifies too many materials as secret, and does not cooperate with the department's advisory committee of scholars.

The problem was underscored with the publication last fall of the volume in the foreign-relations series covering U. S. policy in Iran from 1952 to 1954. Bruce Kuniholm, of Duke University, says that, when he worked at the State Department a decade ago, he saw galleys of the volume that had already been prepared. But when it was published, many of the selections were gone. There is now no reference, he says, to the fact that the U. S. government considered a coup to overthrow the Iranian leader Muhammad Musaddiq. "The removal of documents, particularly of any mention of C.I.A. covert actions, makes it appear as if Musaddiq were overthrown by popular will, with no U. S. involvement," said Kuniholm. "But interviews with former officials have made it abundantly clear

that the U. S. did play a role. Those kinds of deletions call the credibility of the entire series into question." ("Historians Criticize State Department for 'Distortions' and 'Deletions' in Its Record of U.S. Foreign Policy," *The Chronicle of Higher Education*, April 4)

April 1990

Government decisions to classify information as "Top Secret," "Secret," or "Confidential" dropped by 35 percent last year, according to the Information Security Oversight Office. In its annual report to the White House, ISOO said there were 6,796,501 classification actions in fiscal year 1989, a decrease of more than 3.6 million from the year before. But it added that the unprecedented drop was "primarily the result of more accurate counting, rather than an actual tremendous decrease in classification activity." In addition to a striking drop in classifications at the Defense Department, the report said the CIA reported 22 percent fewer original classification decisions and the State Department a 13 percent reduction. The Justice Department, by contrast, grew more secretive, especially the FBI, the report indicated. Original classification decisions at Justice jumped by 43 percent. ("A Cutback in Classified Information?" *The Washington Post*, April 10)

April 1990

In the 11 days since federal health officials announced a new treatment that prevents a significant degree of paralysis from spinal cord injuries, an estimated 300 Americans have sustained such injuries but, according to a consumer advocacy group, many may have gone untreated because the government failed to send specific information to hospital emergency rooms. The Public Citizen Health Research Group called it a "colossal failure of communication" and said that "any further delay in notifying all emergency rooms about this is recklessly irresponsible."

The drug, methylprednisolone, must be given in high doses beginning within eight hours of the injury to be effective. The group called on Health and Human Services Secretary Louis W. Sullivan to send information about the therapy to emergency room and trauma care physicians to alert those who may not have heard about it through the news media and to allow them to evaluate data documenting the effectiveness of the drug. ("Word of Spinal-Injury Drug Not Getting Out, Group Says," *The Washington Post*, April 11)

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A California defense contractor has pleaded guilty to falsifying test results on millions of bolts it produced for some of the military's most sophisticated warplane engines including the B-1 bomber and F-14 jet fighter, according to federal officials. The bolt manufacturer, MacHaffie, Inc., pleaded guilty to submitting fake documents to the military during an eight-year period certifying that its bolts met government standards, even though the bolts had never been tested, according to Assistant U. S. Attorney Stephen Mansfield of the Central District of California in Los Angeles. In other cases, the firm sent the bolts to an outside laboratory for performance testing, but when bolts failed the tests, the defense contractor falsified the results to indicate the products had passed, Mansfield said.

Military officials and prosecutors said they do not know how many of the bolts are now in use in working aircraft. Mansfield estimated the company sold nine million bolts to the military and other defense contractors for more than eight years beginning in 1979. The military has reported no instances of engine failure as a result of the bolts, he said. ("Company Admits Fraudulent Tests of Aircraft Bolts," *The Washington Post*, April 11)

April 1990

Independent counsel Lawrence Walsh is engaged in a mini-dispute with the CIA over disposition of a small stack of documents generated by his investigation of the Iran-Contra scandal. The CIA wants the records back. Walsh contends he is bound by law to hand them over to the National Archives. Whatever happens, it is likely that the documents will be safe from prying eyes for years to come. But if the records go to the Archives, some future historian may have a chance of gaining access. If they go back to the CIA, it has been suggested, they will disappear forever. ("Walsh and CIA Tug Away At Some Inquiry Papers," *The Washington Post*, April 12)

April 1990

President Bush kicked off the White House conference on global warming by restating his call for more research before setting up costly programs to meet what many experts call mankind's greatest threat. "What we need are facts," Bush said in opening remarks. But several participants at the 17-nation conference turned the event into a challenge to the go-slow approach, accusing the Administration of ignoring key scientific data and manipulating the conference to obscure European arguments for aggressive measures to combat rising world

temperatures. German environmental minister Klaus Topfer said "gaps in information should not be used as an excuse for worldwide inaction." ("Bush Says More Data on Warming Needed," *The Washington Post*, April 18)

April 1990

A Department of Veterans Affairs internal investigation has supported allegations that a VA supervisor harassed a worker who had warned a federal judge that department officials were destroying records in a highly sensitive lawsuit. Three years ago, a judge in the U. S. District Court in San Francisco levied a \$120,000 fine for the wholesale destruction of records needed in a lawsuit over the treatment of veterans exposed to radiation during atomic bomb tests. In addition, she warned VA officials not to harass any workers who had cooperated with the investigation of the records destruction.

Barry Boskovich, a staff consultant in the VA central office, had testified that records in the case were being destroyed and that some VA officials were not cooperating fully with lawyers' requests for documents. Last September, Boskovich complained to Equal Employment Opportunity officials that his annual evaluation had been lowered by a supervisor in retaliation for his actions in the lawsuit. After an EEO investigator said in a February report that Boskovich "established a prima facie case of discrimination," the VA ordered another investigation. The report of the second investigation was inclusive and basically told VA officials they would have to resolve the dispute. The judge has yet to rule in the long-pending lawsuit involving veterans who were exposed to radiation during the tests. ("Harassment Claim at VA Supported," *The Washington Post*, April 24)

April 1990

The second phase of the 1990 Census began in late April, and as tens of thousands of census-takers began knocking on doors across the country, many experts were concerned that the problems the government has already encountered in the national head count were only going to be compounded. The Census Bureau has had trouble finding enough qualified "enumerators" in some areas, creating the possibility that it will have to hire less qualified workers and require staff to cover more territory and stay in the field longer than planned. Census workers will have to visit a much larger number of households than had been anticipated, because of the nation's unexpectedly lethargic response in mailing back census questionnaires in recent weeks. The poor return rate,

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coupled with the hiring difficulties, presents what many say is an unprecedented challenge to the bureau. ("Census Goes Door-to-Door to Find the Uncounted," *The Washington Post*, April 26)

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Jack Anderson and Dale Van Atta reported: "Entire towns were missed in the first sweep of the 1990 census. Huge housing complexes received only one questionnaire. But long after those gaffes are forgotten, the political dogfight over the numbers will rage, because the census is more than just a count to satisfy a statistician's curiosity. It is a tool used by Democrats and Republicans to dole out political favors and apportion power." They said that nobody claims that the census counts every American. The debate is whether the Census Bureau should make educated guesses—statistical adjustments—to get closer to the truth.

The column points out that the debate is as old as the census itself. When George Washington heard the 1790 census tally, he was concerned that the new nation was not as populous as he wanted England to think it was. The issue has now become so divisive that more than 50 cities and groups sued after the 1980 census, claiming they had been undercounted. One group of cities, assuming the worst, sued in advance of the 1990 census, demanding an adjustment.

Two facts make that adjustment controversial. More than \$50 billion in federal aid that goes to states and cities annually is based on population. More important, the undercounted are usually low-income and minority groups in the inner cities—traditionally Democrats. An internal memo from the Republican Research Committee, written by Reps. William M. Thomas (R-CA) and Vin Weber (R-MN), gave their perspective: "Statistical adjustment could entail cooking the books for political purposes. If the 1990 census is adjusted, we can expect the majority party in Congress [Democrats] to dictate conditions for adjusting future censuses." ("Political Fires Cook Census Numbers," *The Washington Post*, May 4)

May 1990

The White House and Congress are feuding over the fate of the Office of Management and Budget unit that for nearly a decade has been the main focus of a battle over reducing the amount of government regulation. Rep. John Conyers (D-MI), chair of the Government Operations Committee, complained in a letter to panel members and congressional leaders that

the White House had abruptly withdrawn an agreement to limit the powers of the Office of Information and Regulatory Affairs. As a result, he has threatened to try to defeat a bill to keep the agency alive. The office, which was created under the Paperwork Reduction Act, has been the principal weapon in a drive by conservatives to ease the power of federal regulatory agencies. But its authority was considerably expanded under two executive orders signed by President Reagan within days of his inauguration.

Rep. Conyers said that he and others in Congress had negotiated an agreement in March with the Bush Administration to limit OIRA authority. He said he believed that OMB had approved the new agreement, because senior aids to OMB Director Richard Darman had been involved in the negotiations. But in April, C. Boyden Gray, the White House counsel, and John Sununu, the White House chief of staff, said the Administration did not support the agreement. Gray said, in a letter to Congress, that such an agreement would infringe on the President's ability to run the executive branch and, thus, was constitutionally flawed. The agreement, Gray wrote, "would seriously interfere with the President's constitutional duty to supervise the executive branch, yet it was never subject to White House or Justice Department review." He added that Darman had never reviewed the agreement personally.

Conyers characterized Gray's letter as breaking an agreement with Congress. He said the agreement had been negotiated with "the most senior staff of the O.M.B.," including Frank Hodson, OMB's chief financial officer. Conyers said that his committee, which oversees OMB, had agreed to continue financing the regulatory affairs office under the presumption that there would be an agreement with the White House. "The decision to break an agreement with the House raises serious questions as to whether O.I.R.A. and its many functions can be reauthorized," he said. ("Regulatory Review Office in Dispute," *The New York Times*, May 5)

May 1990

The State Department is accustomed to contests of wills—with foreign alliances, Congress, even, occasionally, the White House. "But this time, it finds itself in a verbal shoving match with U. S. librarians," according to *USA Today*. Cause: The department, without notifying subscribers, in December 1989 stopped publication of the *State Department Bulletin*—a compendium of current action on treaties, public policy state-

ments, statistics, and other information. "It served for more than 50 years as a timely source of information on U. S. foreign policy," observed Bruce Kennedy of the Georgetown University Law Center library. Says the State Department's Tony Das: "It took up to a third of our publications budget and in effect did a lot of other people's homework for them." The department initially answered librarians' complaints by saying all the information is available in other publications.

Susan Tulis, chair of the ALA Government Documents Round Table, countered: "But some of those series don't get written up for years." And most public libraries simply cannot afford all the subscriptions, she points out. "Now, there is no one source you can go to to find general information about what the State Department is doing." It is even worse with treaties, said Kennedy: "The U.N. sometimes takes decades to print them. The *Bulletin* was the source of the full text of policy statements" made by top State Department officials. "I don't believe there are any alternate sources for much of that material." There will be ripple effects, he predicts. Example: State Department pronouncements on trade policy "might affect the competitiveness of American Business." Das said the department is studying resuming the publication in a less costly format: "I would expect it to include everything in the *Bulletin* and much more as well." Even so, Das said, "This is a non-story." "This," said Kennedy, "is a step backward." ("Publication's Death Revives Debate," *USA Today*, May 9)

Only hours after Oliver North met with members of Congress in 1986 and lied to them about his involvement with the Nicaraguan rebels, he met with Vice President George Bush, North's private notebooks show. The meeting with the legislators was a critical moment in the history of the Iran-Contra affair, but until the release of hundreds of pages of North's notebook, the Bush meeting was not known. The brief notebook entries do not suggest the purpose of the Vice President's meeting with North, and it is possible the session was unrelated to Iran-Contra matters. The page of North's notebook that refers to the "session with V.P." was omitted from the entries released by the Iran-Contra congressional committees in 1987. Asked about the notebooks, the White House press secretary, Marlin Fitzwater, said: "The Vice President's role in the Iran-Contra affair was completely examined in the Congressional inquiry and we have nothing to add."

The notebooks were obtained by the National Security Archive through a Freedom of Information Act after filing a lawsuit last August against the independent prosecutor in the Iran-Contra case. "They raise a lot more questions than they provide answers," said Tom Blanton, the archive deputy director, referring to the notebooks. "The Vice President's role has never been fully explained. It raises a further question about Bush." ("North's Notes Show He Met Bush Soon After Lying to Congress in '86, *The New York Times*, May 9)

May 1990

President Bush declared yesterday that the nation's budget deficit has ballooned into an "urgent" problem, but he refused to propose any solutions, saying that he first wants Congress to join him in any deal involving politically difficult tax and spending choices. Bush said the only way "the negotiating process" will succeed is if the talks are conducted in secret, and he expressed concern that he not "inadvertently suggest crisis and frighten markets." In mid-May, OMB Director Richard Darman privately briefed members of the House Budget Committee on the dimensions of the burgeoning deficit. Rep. Leon Panetta (D-CA), chair of the Budget Committee, had asked Darman to testify at a public hearing, but Darman would only agree to a closed session. "What about the American people?" asked Rep. Barbara Boxer (D-CA), a member of the Budget Committee. "Don't they have a right to know what's going on with the economy?" ("Bush Calls Deficit 'Urgent' Problem," *The Washington Post*, May 17)

May 1990

Mention the national parks, and images of snowcapped mountains, virgin forests, limitless horizons come to mind. Here is another way to think of them: profit centers. According to an Interior Department investigation, park concessionaires in 1988 recorded \$500 million in gross profits while returning \$12.5 million—2.5 percent of the total—to the U. S. Treasury. Investigators told a congressional panel that Interior is losing tens of millions annually as a consequence of long-term contracts granting virtual monopolies to the operators of campgrounds, hotels, restaurants, and other services on the nation's 355-unit park system.

The most profitable of those companies is Yosemite Park and Curry Co., a subsidiary of giant MCA, Inc., that operates commercial services in California's Yosemite National Park and recorded gross 1988 profits of \$76,570,000. The fee paid to the

government was \$570,000—about three quarters of 1 percent of the total.

The investigation was ordered by Secretary of Interior Manuel Lujan, Jr., who wants to increase the fees charged to the concessionaires, shorten the duration of the contracts, and plow the extra money back into the parks. Chief among his concerns is that some concessionaires have been allowed to own park facilities, which would have to be purchased for millions if their contracts were canceled. Lujan's proposals have been bitterly resisted by the concessionaires, some of them owned by large conglomerates, which went to court in an attempt to withhold portions of the investigation from release. Much of the information relating to specific companies and contacts was deleted from the Interior inspector general's report under an agreement reached between Interior officials and attorneys for the concessionaires. But a source with access to the uncensored document provided several key examples of profitable park concessions.

Among them are Amfac Hotels and Resorts (Grand Canyon), which recorded 1988 profits of \$44.3 million and paid a franchise fee of \$1.2 million; ARA Leisure Services Inc./Wahweap Lodge (Glen Canyon National Recreation Area), \$22.5 million and \$505,000; Guest Services, Inc., (National Capital Region), \$17 million and \$480,000; and Hamilton Stores (Yellowstone), \$13 million and \$360,000. The report also found that, while concessionaires often are responsible for major physical improvements in national parks, they also reap the greatest benefits from those expenditures. ("Profiteering in the Parks?" *The Washington Post*, May 25)

The Supreme Court agreed to decide the constitutionality of regulations preventing federally funded family planning clinics from providing poor women with any information about abortion. The question of whether the regulations violate the freedom of speech guarantee has broad implications outside the abortion context in areas such as federal funding of the arts, where there are restrictions on how funds can be used. The federal appeals court in New York, in a decision by Judge Ralph Winter, acknowledged that the regulations "may hamper or impede women in exercising their right of privacy in seeking abortions." But Winter said that was "constitutionally irrelevant" so long as the government's action did not create "affirmative legal barriers to access to abortion." Winter also

rejected the argument that the regulations trample on free speech rights, saying that they did not discriminate on the basis of viewpoint.

In a dissenting opinion, Judge Amalya L. Kearsse rejected that analysis and said the regulations went far beyond refusals to provide public funding for abortions for poor women, which have been upheld by the high court. "By prohibiting the delivery of abortion information and prohibiting communication even as to where such information can be obtained, the present regulations deny a woman her constitutionally protected right to choose," Kearsse said. "She cannot make an informed choice between two options when she cannot obtain information as to one of them." ("Supreme Court Accepts Abortion-Counseling Case," *The Washington Post*, May 30)

May 1990

The Justice Department, reacting to concerns expressed by U. S. officials who took part in the invasion of Panama last December, has asked government agencies, including the Central Intelligence Agency, to verify that there has been no tampering with records seized from the regime of Gen. Manuel Noriega. U. S. government sources said Army intelligence officials became concerned about the CIA's role in the recovery of sensitive Panamanian documents when members of a special Army document team said CIA personnel in Panama asked them to leave a building that housed one of Noriega's primary offices.

A U. S. government source familiar with the military's document recovery operation said that after the special Army document collection team was told to vacate the building in question, they did not return to the building for about 2 1/2 days. The source said, based on information received from Panamanian informants, the Army intelligence unit viewed "Building Eight" at Fort Amador as a potential major source of documents on Noriega. But when the Army unit resumed the search, according to the source, it did not find the kinds of records that the Panamanian informants had said would be there.

This reported incident was a primary reason Army intelligence officials involved in the document collection operation expressed concern that the CIA either may have removed or destroyed documents to cover up aspects of its controversial relationship with Noriega, the source said. In response

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to questions, a CIA spokesman said "the CIA did not take any documents from Building Eight," and the agency "has not prevented access to any materials obtained during 'Operation Just Cause'," the Pentagon's name for the Panama invasion. Noriega's involvement with the CIA and other U. S. agencies, including the military and the Drug Enforcement Administration, is expected to be a central issue in his trial in U. S. District Court in Miami on drug-trafficking charges. Recently, federal prosecutors proposed that the U. S. government temporarily subsidize Noriega's defense costs, partly to avoid disclosing how much the CIA and other U. S. agencies secretly paid Noriega, but a judge refused to approve this suggestion. ("Possibility Raised That Records Seized in Panama Were Manipulated, " *The Washington Post*, May 31)

June 1990

John Poindexter was sentenced to six months in prison by a federal judge who said the one-time national security adviser to former President Ronald Reagan was "the decision-making head" of a scheme to deceive Congress in the Iran-Contra affair and to "invalidate the decisions made by elected officials."

U. S. District Judge Harold Greene warned of the dangers of high government officials using national security concerns to mask deceit and wrongdoing. Greene said the government must maintain secrets, but "if members of the security apparatus could, with impunity, keep from those elected by the people that which they're entitled to know—or worse, feed them false information—those who control the classified data could be the real decision makers. That is precisely what happened here." ("Poindexter Gets 6 Months in Prison," *The Washington Post*, June 12)

June 1990

For more than four decades, the United States and its allies kept a secret list of computers, machine tools, telecommunications equipment, and other high-technology products that could not be sold to the Soviet Union or its East Bloc satellites. However, high-tech companies in the Western alliance never knew what products were on the list, which was compiled by a 17-nation group that polices technology sales, the Coordinating Committee for Multilateral Export Controls, known as Cocom. With the Cold War winding down, the East Bloc turning capitalist and Cocom making more advanced technologies available to Moscow, all that has changed. In May, the State Department bowed to a Freedom of Information Act

request and made the Cocom list public. It acted 11 years after Congress said the list should be readily available. ("High-Tech List Comes Out of Cold," *The Washington Post*, June 22)

June 1990

Retired Admiral Elmo R. Zumwalt Jr. accused government and industry scientists of manipulating research data to hide what he called clear evidence that Agent Orange may have caused cancers, birth defects and a wide variety of other ailments in Americans who fought in Southeast Asia and their offspring. The admiral, who recently reviewed studies on the widely used defoliant for the Department of Veterans' Affairs, charged that the distortions continue to "needlessly muddle the debate" over the impact of dioxin-laden chemicals on the American public. Forms of dioxins, a carcinogenic agent in Agent Orange, are present in herbicides widely used in American agriculture.

Appearing before the House Government Operations Subcommittee on Human Resources and Intergovernmental Relations, Zumwalt noted that he had suspected that his son, a former naval officer, died of cancers caused by Agent Orange. But Zumwalt said that until recently he had also believed "that there was insufficient scientific evidence to support a linkage between his illness and Agent Orange exposure. That was, of course, the conventional propaganda. The sad truth which emerges from my work is not only is there credible evidence linking certain cancers and other illnesses with Agent Orange, but that government and industry officials credited with examining such linkage intentionally manipulated or withheld compelling information of the adverse health effects" ("Ex-Admiral Zumwalt Claims Manipulation on Agent Orange," *The Washington Post*, June 27)

July 1990

"The federal government has come up with a novel approach for handling bad economic news: it has decided to stop reporting it. The statistic in question is the annual assessment of America's global investment standing, which in the past few years has shown that the United States has gone from being the world's largest creditor nation to being the largest debtor nation. The government says the figure is no longer reliable. Critics say the Bush administration is playing politics by not releasing it." ("Bad News Is No News," *Newsday*, July 2)

July 1990

A top Air Force general knew that the Stealth fighter plane had missed its targets in its first combat mission, but he did

not tell his superiors at the Pentagon, a classified report says. The lapse left Defense Secretary Dick Cheney bragging about the plane's "pinpoint accuracy" in the Panamanian invasion even though one of the bombs missed its target by 160 yards.

The general, Robert D. Russ, chief of the Tactical Air Command, which controls the Air Force fighter planes, knew shortly after the mission about the flaws in their performance and should have kept his superiors fully informed about problems in the raid by the planes, the report said. Asked about the report, General Russ issued a statement saying that the Army commanders who led the invasion were responsible for telling top Pentagon officials about what happened in the attack. Soon after the invasion, Cheney said that each of the fighters had delivered a 2,000-pound bomb with "pinpoint accuracy," based on information provided to him by the military. And for months after, the Pentagon continued to insist that it had been a picture-perfect operation. But in early April, after a *New York Times* reporter showed a senior Air Force official a picture of the bombed site, Cheney learned that the bombs had missed their targets. Soon after, he commissioned the report. ("Report Says General Knew of Stealth Fighter's Failure," *The New York Times*, July 2)

The Bush administration is seeking a change in the federal computer espionage law that would open the door to prosecution and conviction of whistle-blowers and journalists as well as spies. The Justice Department said the proposal would make the espionage law "more useful." It would eliminate a provision in current law requiring proof of espionage and make it a crime to use—or cause the use of—a computer to obtain classified information without authorization. The penalties would be the same as they are now. Violators would be subject to 10 years in prison for a first offense, or "an attempt to commit such an offense." Second offenders could be imprisoned for 20 years.

The proposal was submitted to Congress in June by the Justice Department as part of a package of changes in the computer fraud and abuse statute of 1986. "It seems they want to make far more people spies than actually are," said Rep. Charles E. Schumer (D-NY), chairman of the House Judiciary Subcommittee on Criminal Justice. Another part of the Justice Department package that drew criticism was a provision that would define information in a computer, as well as computer

processing time, as "property." "The thrust of that is to say that if you take information, that's property and you can be accused of stealing," Schumer said. "I think that's very dangerous. We need a law more finely honed than that."

Morton Halperin, Washington director of the American Civil Liberties Union, said the proposals call to mind the controversial 1985 prosecution of former naval intelligence analyst Samuel Loring Morison, the first person convicted under espionage laws for leaking documents "relating to the national defense" to the news media. Morison's lawyers contended that the sections of espionage law used in the case were meant to apply only in a clandestine setting, to spies and saboteurs, and not to disclosures to the news media. As for the theft charges, they protested that making the law applicable to government "information" would give the executive branch unbridled discretion to control what the public may be told.

Under the Justice Department computer espionage proposal, it could be even more dangerous to take the secrets from a computer than to get them on paper. The bill would make it a crime to pluck from a computer any "classified" information, even items stamped secret, because disclosure would be embarrassing. That is a much broader category than documents "relating to the national defense."

Halperin said, "Given the amount of information that is classified and the degree to which debate in the United States depends on that information, we have consistently opposed criminalizing access to classified information by private citizens, except where it involves transfer to foreign powers." Justice Department officials acknowledged that their proposal would cover whistle-blowers and journalists. "No one considered that in the drafting of it," said Grace Mastalli, special counsel in the Justice Department Office of Policy Development. But she said it was "probably not possible to narrow it without destroying the purpose of the bill." ("A Revised Computer Espionage Law?" *The Washington Post*, July 5)

July 1990

At a time when the American economy never has been more complex, federal statisticians are losing the ability to track the changes. The official statistics report that the nation is in the midst of a period of unsurpassed prosperity—a peacetime

record of 7 1/2 years without a recession. But private economists say many of the statistics spewed by the government each month that purport to track the economy are seriously flawed. Some are so suspect that analysts ignore them in preparing forecasts rather than face embarrassment when the government totally revises its original report. "History is being rewritten on a monthly basis," said Allen Sinai, chief economist of the Boston Co. "It makes it very hard for private-sector analysts and public policy makers to come to correct conclusions."

Bad data triggers more than bad government policy. A number of economists believe the Federal Reserve has been forced to keep interest rates higher this year because of a mistaken easing in credit last year resulting from a mistake in the monthly report on retail sales. The government first reported retail sales fell by 0.1 percent in May 1989 only to discover belatedly that the survey had overlooked \$1.4 billion in sales. This, a small decline turned into a sizable 0.8 percent increase. The initial erroneous report was picked up in the government's broadest measure of economic activity—the gross national product—which originally showed an anemic 1.7 percent growth rate during the spring. After the error in retail sales was caught, the GNP report was revised to show the economy growing at a much more respectable 2.5 percent. But the correction came too late to stop policy makers at the Federal Reserve from acting to cut interest rates for fear the economy was headed into recession.

In studying government data, everyone from the National Academy of Sciences to the National Association of Business Economists has reached the same conclusion: there are serious problems regarding the accuracy and usefulness of the statistics. ("Economists Question Accuracy and Value of U.S. Statistics," *The Washington Post*, July 5)

Officials of Richard Nixon's presidential library said the library will pick and choose who can do research there and probably will keep out Pulitzer Prize-winning Watergate reporter Bob Woodward. The library also will lack a full set of memos, letters, and other documents from Nixon's White House years when it opens later in July. The originals are in the custody of the government, and Nixon has chosen to copy only those he considers important to the library. The actions have irked some scholars who say they mistrust a

library where documents will be screened. The library's director, Hugh Hewitt, says every document of any importance, including many relating to Watergate, will be in the library. But he acknowledged that Woodward probably would not be allowed to study them. "I don't think we'd ever open the doors to Bob Woodward, he's not a responsible journalist," Hewitt said.

The Richard M. Nixon Presidential Library will be able to use its autonomy as a privately run facility to choose the scholars it allows to do research. Of the nation's other presidential libraries, only the Rutherford B. Hayes library is privately operated. Eight are run by the National Archives, which will also control the Ronald Reagan library in California. ("Nix on Library to Screen Visiting Researchers," *The Washington Post*, July 9)

[Ed. note: A July 12 editorial in *The Washington Post*, "Access to the Nixon Library," said that after the preceding story appeared, inquiries came quickly from Nixon scholars and others, who pointed out that no reputable research library screens access to researchers on the basis of possible disagreement with their conclusions. Library Director Hewitt then said he had been mistaken and that the library's not-yet-assembled archives would be open to all comers.]

July 1990

The Government Accountability Project filed suit against the Agriculture Department to obtain a report on its beef inspection procedures. The suit is the latest flurry in a long-running battle pitting the USDA against consumer groups and dissident federal food inspectors who charge that the USDA Streamlined Inspection System is putting dirtier and more dangerous beef in supermarkets. Partly in response to public criticism, the department last year contracted with the National Academy of Sciences to study the inspection system to ascertain whether it posed unacceptable food risks. The department later gave the academy its own report on the program, but refused to make it public. This prompted GAP to file suit in U.S. District Court to obtain the report under the Freedom of Information Act.

"We have very strong suspicion that the USDA defense of the Streamlined Inspection System is a bureaucratic bluff," said Thomas Devine, the project's legal director. "The reason they

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won't release it is that the assertions they make couldn't withstand outside scrutiny." Agriculture Department spokesman David Schmidt said, however, that the agency had decided not to release its report until the academy had finished its study. The academy said publication was expected at the end of September. "Releasing the report would compromise and politicize the results of a scientific study," Schmidt said. "We don't feel we need to release it to a group that has no expertise in the subject." ("USDA Is Sued: Where's the Beef Report?" *The Washington Post*, July 10)

July 1990

In a move that will provide more access to government information, Secretary of Health and Human Services Louis Sullivan proposed a set of uniform definitions that would clarify and standardize the labels on virtually every food product sold in the United States. The 400-page proposal, which will be published in the *Federal Register*, updates and expands the list of what nutrients should and should not be listed on food labeling and defines precisely what is meant by previously confusing terms such as "cholesterol-free" and "reduced cholesterol" that manufacturers have used at their own whim. Officials of the Food and Drug Administration said that in the coming months they will follow with two more-detailed proposals. The first will set precise standards for use of terms such as "high in fiber," "lite," and "fresh," and the second will set out guidelines for how food labels should be designed. Final rules are expected to be in place by this fall and full industry compliance is expected a year later.

"American consumers should have full access to information that will help them make informed choices about the food they eat," said Sullivan. Sullivan said the administration had not yet decided whether the federal rules would preempt states in food labeling. Both the Office of Management and Budget and senior White House officials apparently oppose the idea. ("Uniform Food Labels Proposed," *The Washington Post*, July 13)

July 1990

In early July, President Bush signed a classified order that revises National Security Decision Directive 145 and eliminates National Security Agency oversight of federal computers containing sensitive but unclassified information. Duane Andrews, assistant defense secretary for Command, Control, Communications and Intelligence told about the Bush action at a hearing on government compliance with the Computer

Security Act held by the House Science, Space, and Technology Subcommittee on Transportation, Aviation, and Materials.

The order revises NSDD 145 to clarify the computer security policy role of NSA and the National Institute of Standards and Technology and brings federal computer security regulations in line with the computer security legislation enacted more than three years ago, the official said. The changes to NSDD 145 may resolve an ongoing turf battle between NSA and NIST, which share responsibility under the Computer Security Act for monitoring government computer security plans. Under the changes, NSA no longer will have responsibility for computer systems handling sensitive but unclassified information. As stated in the act, that responsibility will be solely NIST's. The new directive also removes any reference to federal authority over private-sector computer systems, Andrews said. ("Bush Revises NSDD 145," *Federal Computer Week*, July 16)

July 1990

A substantial proportion of people who call the Social Security "800" hotline and are told that a local Social Security office will call them back never receive the follow-up telephone call, the General Accounting Office reported. Critics have claimed that Social Security began the toll-free telephone line in an attempt to save money on personnel and, in effect, has reduced the amount of services available at local offices. The GAO findings showed that of callers who were instructed to expect a return call at a specific time, 89 percent reported getting the call and being pleased with the help they received. However, about 24 percent of those who expected to be called back to arrange for an application for benefits said they never received a call, the GAO reported. Of those receiving benefits who wanted to be called back to discuss problems, 42 percent said they never received a call. In all cases, the follow up did not occur until at least two to three weeks had passed from the date the person initially called 1-800-234-5772. ("GAO Faults Social Security '800' Hotline," *The Washington Post*, July 18)

August 1990

A test a decade ago revealed an apparent flaw in the main mirror of the blurry-eyed Hubble Space Telescope, but key officials of the National Aeronautics and Space Administration and outside experts charged with overseeing the project say they were never informed of the problem. Tests on the telescope's main mirror in 1981 uncovered a defect called

spherical aberration, according to scientists investigating the problem and an optical expert who worked on the mirrors at Perkin-Elmer Corp., the company that designed, built, and tested the telescope's optical system. The test that detected the aberration was discounted because another testing device believed to be more sophisticated found no such flaw, according to a former Perkin-Elmer employee, who asked not to be identified. NASA officials said they knew of no one at the agency who was aware of the discrepancy in the test results. Former employees of Perkin-Elmer, on the other hand, said that NASA representatives were informed at the time.

By discounting the results of one test, the engineers at Perkin-Elmer were, in essence, relying on a single test to assure the mirror was perfect. Optical experts say now that Perkin-Elmer and NASA should have challenged the mirror with at least two or three independent tests. Perkin-Elmer's bid for the project did not include independent tests, although a losing bid submitted by Eastman Kodak did. According to documents obtained by the Associated Press, Perkin-Elmer was awarded the optics contract for \$64 million against a Kodak bid of \$100 million. Because of massive cost overruns, Perkin-Elmer was eventually paid \$451 million. ("Hubble Flaw Was Found in '81," *The Washington Post*, August 6)

Reporters and photographers who sought to cover the landing of American troops in Saudi Arabia were barred from accompanying military personnel by the Pentagon, which said it was honoring a Saudi request to keep the media at bay. Thus, the beginnings of the largest U.S. military operation in the Middle East in three decades went unseen and unheard by the American public.

The last time the Defense Department allowed reporters to accompany the military into combat was during the invasion of Panama in December. Even by the Pentagon's account, the "press pool" arrangement worked badly: journalists who had been given credentials to join front-line combat troops were kept far from the action by U.S. officials. The sequestering of reporters in Panama kept vital pieces of information from the public, such as the military's treatment of Panamanian citizens and the performance of U.S. personnel and weaponry. Recalling that fiasco and the total blackout of the media during the United States' 1983 invasion of Grenada, some journalists suggested that the Bush administration had more to

do with keeping the media out of Saudi Arabia than Cheney let on. ("Media Shut Out at the Front Lines," *The Washington Post*, August 9)

[Ed. note: In an August 11 editorial, "Getting Behind 'Desert Shield'," *The New York Times* said that in a wise change of course, the Bush administration has prevailed upon Saudi Arabia to permit firsthand coverage of the U.S. troop deployment by American journalists. A pool of representative reporters will be admitted.]

August 1990

According to John Markoff in an August 19 *New York Times* article, "Washington Is Relaxing Its Stand on Guarding Computer Security," President Bush has ordered a quiet dismantling of an aggressive Reagan administration effort to restrict sources of computerized information, including databases, collections of commercial satellite photographs, and information compiled by university researchers. The article gives the background of the controversy regarding the creation of a new security classification, "sensitive but classified information," which was aimed at reducing unauthorized uses of computerized information and at restricting authorized uses so that foreign countries could not piece together sensitive information to learn the nation's secrets.

However, the Bush administration's move to revise the Reagan administration policy has caused some computer security experts to say that they are concerned that the Bush move goes too far in decentralizing oversight for computer security. A National Security Agency official warned that the United States was now in danger of losing its leadership in computer security to European countries that have been investing heavily in new technologies.

August 1990

A lack of adequate computer security in the Department of Justice is endangering highly sensitive information, ranging from identities of confidential informants to undercover operators, the General Accounting Office has concluded in a report to be issued soon. Although the department moved its main data center last year to a new "state-of-the-art" facility, GAO said that unauthorized users still could enter and exit the system without being detected. "The threat of intrusion into these systems is serious, and there are criminals who could benefit immensely from such covert encroachments," Rep. Robert E. Wise Jr. (D-WV) said in a letter urging Attorney

General Dick Thornburgh to "immediately correct" the security flaws. A department official who requested anonymity said he was dismayed that the GAO assessment failed to cite "a lot of corrective action already taken and more that is under way." ("Justice Data Security Faulted in GAO Report," *The Washington Post*, August 23)

In a three-page article, "Science, Technology, and Free Speech," in the Summer 1990 *Issues in Science and Technology*, Allen M. Shinn Jr. observed that now that industrialization has spread technological and scientific capabilities around the globe, there is an increased need for American researchers to talk freely with colleagues in other nations. Yet the export laws—in particular, the Export Administration Act, the Arms Export Control Act, and the Invention Secrecy Act—may stand in their way. Ironically, what was intended to further national security may now actually hurt it. These laws frequently have been criticized on economic grounds. But there is another, largely unexplored avenue to their reform: as applied to control information, the laws are probably unconstitutional.

Shinn says the export laws violate the First Amendment in three ways: (1) they impose controls through administrative licensing, a form of prior restraint that has been almost uniformly rejected by the courts since the 18th century; (2) the definitions of controlled information are overboard; and (3) the laws are ineffective in protecting national security. He says that new regulations under the Export Administration Act have both defined and greatly relaxed controls on "fundamental" research. The new regulations, final in 1989, remove constraints on technical data that are "publicly available," that result from fundamental research (essentially, research intended to be published), or that are "educational information."

Shinn believes that these changes establish a policy against using the export control laws against academic research. Although they represent real progress, the new rules still suffer from constitutional defects. He makes a case that when revised, the laws should make clear that the government can require, at most, notification of intent to export, with actual control dependent on its willingness to go into court and seek an injunction. Shinn says: "That is what the First Amendment requires."

September 1990 Writing in the September 1990 issue of *Natural History*, Michele Stenehjem says that for 40 years scientists knew that radionuclides from reactors along the Columbia River accumulated in body tissue. They decided to keep the information to themselves.

In an eight-page article, "Indecent Exposure," Stenehjem describes how the Hanford Engineer Works in Washington produced the plutonium for the world's first atomic explosion. The secret project was created in early 1943 to produce plutonium for the first American atomic weapons. The enterprise, operated on contract for the federal government, brought spectacular results and for 40 years after the war, the endeavor was praised by those involved or interested in atomic energy.

In 1986, however, with the release of some 19,000 pages of environmental monitoring reports, engineering reports, office memoranda, and letters concerning Hanford's early history, the world learned that there had been a darker side to the vast undertaking. These documents, many previously classified, and the 40,000 pages subsequently released, disclose that in the course of producing plutonium for World War II and the cold war that followed, the Hanford Works released radioactive wastes totaling millions of curies.

The facility released billions of gallons of liquids and billions of cubic meters of gases containing contaminants, including plutonium and other radionuclides, into the Columbia River and into the soil and air of the flat, wide Columbia Basin. Some of the releases were caused by leakage or faulty technology; others were the result of deliberate policies set by scientists convinced of the acceptability of these emissions. In the years of peak discharges, 1944 to 1966, these scientists and policy makers never informed the residents of the region of the emissions or warned them of any potential or real dangers, even when the releases far exceeded the "tolerance levels" or "allowable limits" defined as safe at the time. Instead, on many occasions they told the public that Hanford's operations were controlled and harmless.

September 1990 The Bush administration opposed a House Democratic leadership proposal to create a federal technology database that would help American companies compete against foreign rivals. The White House said such a program would be costly

and unnecessary. The legislation is part of a Democratic package intended to enhance the competitiveness of American companies and signals growing congressional concern over the problems American companies encounter in competing with foreign rivals. The proposed database would include all industrial technology (dealing with physics, chemistry, biology, communications, transportation, medicine, and other sciences) developed with the aid of federal- and state-financed research. The federal government spent \$6 billion last year on university-sponsored research. But the administration said that the final project would duplicate existing government databases and that a \$25 million pilot project would be too costly.

House Democratic leaders contend, however, that the government's approach has been piecemeal and that access to the current databases depends on knowledge of their existence and protocols—rules governing the communication and transfer of data between machines. They argue that technology transfer through databases provides the biggest return for the investment. Rep. John LaFalce (D-NY), chair of the House Small Business Committee, said that under existing programs a business in need of technical assistance had to know "10 different protocols needed to access 10 different data bases." Joe Shuster of Teltech Inc., a Minneapolis information systems company, said that "smart, world-class competitors are constantly looking for leverage, and nothing today provides more economic leverage than technical knowledge—nothing." ("Democrats' Data Plan Is Opposed," *The New York Times*, September 6)

September 1990 After a century of serving as the public's eyes and ears about the weather, the National Weather Service is changing its mission. The agency has begun to close its phone lines and refer to private weather companies more and more questions it formerly answered. In addition, these private companies have gradually acquired from the government the right to distribute readings from federal observation offices and pictures from its radar systems. Some people who rely on Weather Service data say they worry that the government is abandoning a long-established duty and is forcing the public to pay for information it is used to getting for virtually nothing.

"It's just ridiculous," said Albert Thompson, a cotton grower who was recently told by the Weather Service in Lubbock,

Tex., that he would no longer be told the rainfall in West Texas cities. "We pay taxes, and there is no reason we should not get that information from a Government office." Weather Service officials say the changes are designed to get the government out of the business of distributing routine weather information, so it can concentrate on the difficult job of spotting and reporting dangerous weather conditions. Dr. Elbert W. Friday Jr., the director of the Weather Service, said he believes that the change—in effect, making private companies the middlemen between the public and its government—is going to provide greater access to the information and save the Weather Service money.

Dave Powell, president of the National Weather Service Employees Organization said: "The specialized services they are talking about really are things we have been providing since 1890. A lot of the people we serve are on a shoestring, farmers and contractors."

Perhaps the clearest example of the changing Weather Service missions is the signing of 13 contracts with private companies in the South. In each case, the agency closed phone lines providing recorded weather information just as a private company opened its own lines, providing a similar message but preceded with advertisements. The private weather industry has grown to include more than 100 companies that together make \$200 million a year.

In Atlanta, for example, the Weather Service is paying the Contel Corporation to electronically distribute national weather information. Contel can charge the public for the information. Contel classified the Associated Press, with thousands of clients, as a reseller and asked for \$1.6 million from the news agency for the right to transmit the information. The agency objected to any reseller fee and decided to use a service operated by the government. That service has no reseller fee but gives less information and is slower, said John Reid, vice president and director of communications and technology for the news agency. He said there have been times when severe weather warnings arrived at the news agency after the warnings had expired. ("What's the Weather? Don't Ask the Service," *The New York Times*, September 10)

[Ed. note: In a related story, people in Miami phoning to find out the time and temperature got something else: soft pornog-

raphy. A voice welcomed them, saying, "She's all alone in the tub. Jump in. It's all wet." Then it gave a 976 telephone number, told listeners that it would cost them \$19.95 for a three-minute call, and finally gave the temperature and time. "We have received complaints relative to this ad," said Gary Allington, Southern Bell Telephone & Telegraph Co. By mid-morning the tape was replaced with an ad for a psychic. Southern Bell leases the time number to Ryder Communications of Coral Springs, Fla., which sells ad space on it. ("Soft-Porn Ad on Bell Firm's Tape Pulled," *The Washington Post*, December 13)]

September 1990 Citing budget constraints and agency policy, only news media, university libraries, heads of university departments, members of Congress, members of the diplomatic corps, and government officials can continue to receive the monthly publication, *World Agriculture Supply and Demand Estimate*, free of charge. The announcement was made in a September 11 letter to "Dear Reader" from Raymond Bridge, information officer for the Department of Agriculture World Agricultural Outlook Board. Others who want the publication were invited to subscribe for \$20 a year.

September 1990 New York City officials challenged preliminary 1990 census figures, charging that the count conducted this spring and summer missed 254,534 housing units in the city and, as a result, hundreds of thousands of New Yorkers. The city said its records showed that the census overlooked at least five housing units on each of 11,957 blocks, or 43 percent of the city's blocks. New York City has been particularly vigorous in challenging census findings, in part because federal funding is tied to population totals. Officials estimate that the city receives about \$150 annually for each of its residents. Also, preliminary census figures indicate that the state will lose three congressional seats, in part because of population shifts away from New York City.

The city has participated in a lawsuit to force the Census Bureau to use a statistical adjustment to compensate for residents missed by the census. Other cities also have challenged Census Bureau figures. Los Angeles officials said they found nearly 50,000 units not included on census lists, and Detroit officials said they found errors on almost all of the city's 13,000 blocks. ("New York City Disputes 1990 Census," *The New York Times*, September 20)

September 1990 The National Library of Medicine announced a new fee schedule effective February 1, 1991, for CD-ROM products containing MEDLARS data in the September–October 1990 *NLM Technical Bulletin*. Among the categories of annual subscription fees:

1. For a copy of the database on a stand-alone station, the charge to the vendor from NLM will be (and currently is) \$100.
2. For the same subscription on a network of two to five stations, the charge is \$1,000.
3. For the same subscription on a network of five or more stations, librarians have estimated the charge to be between \$7,500 and \$10,000, since the NLM newsletter gave a formula instead of a specific figure.

These are the charges to the various Medline vendors; the vendors are likely to pass the fee changes on to their users. Concerns have been expressed in the library community that these NLM charges will discourage network access to CD-ROM MEDLINE.

October 1990 Wassily Leontief, awarded the Nobel Prize in Economic Science in 1973, decried the "sad state of the Federal statistical system" in an op-ed piece in *The New York Times*. He said that while our system employs very dedicated, highly qualified individuals, the funds appropriated for their task fall far short of what is needed. Moreover, with a rapidly changing economy, the job has become more complex. Leontief said in his own field—the compilation of the input-output tables that describe the flow of goods and services between the different sectors of the U.S. economy in a given year—the situation is as bad as the current difficulties with the U.S. census.

The federal input-output unit has been reduced to 22 people. There is a hiring freeze. "No wonder the input-output tables for 1972 have not yet come out. With the changes in our economy, these figures, when published, will be only of historical interest." By contrast, in Japan the compilation of input-output tables is done by 200 economists and statisticians. A four-volume table for 1975 was published in March 1979. The 1985 table has already been published.

Leontief concluded: "Some proponents of privatization suggest that diminished support for Federal statistical services will eventually be compensated by private corporate data-gathering organizations. This solution seems about as effective as replacing the klieg lights in a baseball stadium with player-held flashlights. As the U.S. struggles to maintain its competitive position in the world, we can ill afford further deterioration in the data base indispensable to the efficient conduct of all public and private business." ("Federal Statistics Are in Big Trouble," *The New York Times*, October 1)

October 1990

The government's special nutrition program for low-income women, infants, and children (WIC) sharply reduces later Medicaid health outlays for the mother and child, and also results in improved birthweights, according to a Agriculture Department study. The long-awaited study has special significance because of a protracted dispute over a study four years ago that came to the same basic conclusion: that WIC enhances the health of the mother and child. Despite its findings, and for reasons never made clear, the Agriculture Department altered the summary statement of the 1986 findings to play down the beneficial health effects. The new study, in contrast, was hailed by the current Secretary of Agriculture, Clayton Yeutter. ("Mothers' Nutrition Program Is Effective, U.S. Study Finds," *The Washington Post*, October 19)

October 1990

When Congress passed the 1991 military spending bill in October, it imposed little-noticed but significant new restrictions on the President's power to spend billions of dollars on classified programs. Legislators and administration officials struggled over a section of the bill requiring the administration to use money earmarked for secret programs precisely as Congress prescribes. At stake is control over a "black budget" of more than \$35 billion hidden in the military spending bill for numerous secret weapons programs and intelligence activities. In the past, Congress has attached classified reports to military appropriations saying how this secret money should be spent. But the administration has treated the instructions in these classified "annexes" as mere expressions of congressional wishes rather than actual law. When President Bush signed the 1990 military appropriations bill on November 21, 1989, he expressed concern about restrictions that Congress tried to impose through a classified report on the bill. "Congress cannot create legal obligations through report language," he insisted. But now, after a year marked

by several disputes over the administration's refusal to comply with secret directives from congressional committees, Congress has given the classified annexes the force of law. ("Congress Changes Spending Rules on Secret Programs for Pentagon," *The New York Times*, October 30)

October 1990

The Army fired, handcuffed, and removed from office a veteran engineer for threatening to disclose that many troop-carrying helicopters primed for war in Saudi Arabia lack protection against Iraqi heat-seeking missiles. Calvin Weber, a 16-year Army civilian employee, was fired for seeking information about the vulnerabilities of Army helicopters now in Saudi Arabia and "intimating" he would make it public, the Army said yesterday. "Information regarding equipment vulnerabilities, especially during the pendency [sic] of Operation Desert Shield, is very sensitive, and its disclosure could be highly detrimental to the security of the United States," Col. Thomas Reinkober told Weber in a one-page memo ordering him to leave his office at the Army Aviation Systems Command in St. Louis.

The Army has about 300 Blackhawk helicopters in Saudi Arabia—more than any other type—to ferry troops to the front and to evacuate casualties from the battlefield. Weber estimates about 200 hundred of them lack suppressors which are muffler-like devices installed over the engines. They are designed to cool the exhaust before it leaves the engines and hide the turbine blades from heat-seeking missiles. A 1985 Pentagon study concluded that 90 percent of the aircraft downed in combat in the previous 10 years were destroyed by heat-seeking missiles. Most of the losses were Soviet aircraft downed by Afghan rebels equipped with portable, U.S.-made, Stinger heat-seeking missiles. ("Army Worker Fired Over Copter Data," *The Washington Post*, October 30)

October 1990

The New York Times editorialized that "Secrecy, which made the Iran-contra affair possible, is now a huge obstacle to its cleanup. Invoking national security, Attorney General Dick Thornburgh refused to allow classified information for the perjury trial of Joseph Fernandez, a former C.I.A. operative at the Nicaraguan end of the illicit enterprise. That forced Lawrence Walsh, the independent counsel, to drop the case."

After describing details of the case, the editorial went on to say: "There has always been a conflict between the Attorney

General's role as investigator and as lawyer for the President. That's why it was necessary to appoint a special counsel in the Iran-contra cases. But the same conflict exists when Mr. Thornburgh makes a decision about classified information. He left open the suspicion he's protecting his boss, the President." ("Iran-Contra: Secrecy's Victim," *The New York Times*, October 30)

October 1990

The Supreme Court considered the constitutionality of regulations that prohibit federally funded family planning clinics from discussing abortion, with Justice David Souter expressing concern that the rules stop doctors from giving women needed medical advice. Speaking for the Bush administration, Solicitor General Kenneth Starr defended the regulations, which bar physicians and other workers in federally funded clinics from giving women any information about abortion, even on request, or from stating if abortion is medically indicated.

During oral arguments in the case, *Rust v. Sullivan*, Harvard Law School Professor Laurence Tribe told the court: "We depend on our doctors to tell us the whole truth, whoever is paying the medical bill, the patient or the government, whether in a Title X clinic or in the Bethesda Naval Hospital," referring to the facility where the justices receive medical care. He said that under the regulations, "truthful information that may be relevant is being deliberately withheld from people who have every reason to expect it." ("Souter Questions Federal Defense of Abortion Counseling Limits," *The Washington Post*, October 31)

November 1990

"Newsweek has learned that there were three times more U.S. casualties from 'friendly fire' or accidents during last winter's Panama invasion than the Pentagon has previously admitted. What's more, according to a confidential Pentagon report obtained by Newsweek, the Joint Chiefs of Staff kept Defense Secretary Dick Cheney's aides in the dark about the losses.

Last June, *Newsweek* reported as many as 60 percent of U.S. injuries and nine of the 23 deaths may have been due to friendly fire. The Pentagon denied the story. But the report reveals that the Pentagon failed to disclose that 72 of 312 servicemen it counts among the wounded were actually injured in parachute jumps, not by enemy fire. The report also shows

the U.S. military death toll was 26 not 23, and at least six may have been the result of friendly fire.

All told, the report concludes that 114 of the 338 U.S. casualties—34 percent—were caused by friendly fire or accidents. Highly placed sources told *Newsweek* that even this percentage was low. And, the report reveals, the staff of the Joint Chiefs Chairman Colin Powell tried to paint a rosier picture for Cheney. An April 4 memo to Cheney's top aides claimed no U.S. soldiers were killed by friendly fire. The Pentagon's only comment was to confirm the revised figures."

("An Accident-Prone Army," *Newsweek*, November 5)

November 1990 The federal appeals ruling during D.C. Mayor Marion Barry's trial that said federal judges may not bar an individual from a courtroom "merely because [that individual] advocates a particular political, legal or religious" view is about to be swept into legal oblivion. The U.S. Court of Appeals in Washington, D.C., has refused to publish the ruling. It means that this important decision can never be cited by other lawyers in Washington, and many lawyers will never even know about it, unless they trot over to the courthouse and look up the case.

The American Civil Liberties Union, which challenged the original order barring two controversial men from the Barry trial, now is challenging the appeal panel's decision not to publish. "It smacks of a system of secret justice," said the ACLU's Arthur Spitzer. Spitzer argues that the appeals ruling—by a panel composed of Clarence Thomas, Douglas Ginsburg, and Laurence Silberman—could be crucial to individuals barred from future trials. He also argues that the court is flouting its own rules, which weigh in favor of publication. Spitzer is seeking a rehearing on the issue and calling for one before the full court. ("You Could Look It Up, but . . .," "Washington Business," *The Washington Post*, November 5)

November 1990 "The government's end-of-the-year fiscal crunch gave an Education Department employee a novel idea for promoting a new report. The cover letter sent to reporters announced that 'A College Course Map,' which compiles statistics of what courses are taken by college students, has been published, but 'nobody has it. There are 5,500 copies of the book sitting in a warehouse,' the letter said. 'But until we have a budget, there is no money to pay the mailing contractor.' This, the letter noted enticingly, means that reporters are being given

data temporarily unavailable to the public. The publicity-hungry writer even suggested which pages to read." (*Education Week*, November 7)

November 1990 American University professor Philip Brenner has tried for three years in federal court to get classified documents from the State Department about the Cuban missile crisis. Last month, he even submitted affidavits from the authors of the papers—nine former high-ranking Kennedy administration officials—urging their release.

Unlike many citizens who take on the federal government, Brenner may find that time is on his side. The reason: legislation passed by the Senate in the 101st Congress would require automatic declassification of State Department documents 30 years after the events they chronicle. For researchers dealing with the crisis that brought the United States and the Soviet Union to the brink of nuclear war, the countdown would stop at October 1992. The proposed law would allow State Department documents to be kept secret after 30 years only if they fit one of three strict exemptions: if their publication would compromise "weapons technology important to the national defense," reveal the names of informants still alive who would be harmed, or "demonstrably impede" current diplomatic relations.

Congress adjourned before the House took up the measure, but Senate supporters are confident of passage in the next session. Brenner and fellow researcher Scott Armstrong have filed a Freedom of Information lawsuit to get access to 4,000 documents they say are being withheld by the State Department. ("Lifting the Cuban Missile Crisis Veil," *The Washington Post*, November 9)

November 1990 Treatment with steroid hormones can halve the death rate from the pneumonia that is the leading killer of people with AIDS, a panel of experts has concluded. But it was five months before the government agency that had convened the experts notified AIDS doctors of the finding, in part because the experts were concerned that early notification might jeopardize the publication of their conclusions in a prestigious medical journal. Even now, six months after the finding, many doctors who treat AIDS patients say they have not been informed of it.

The expert panel was convened by the National Institute of Allergy and Infectious Diseases last spring to determine whether steroids would be effective in treating the AIDS-related pneumonia. The panel reached its conclusion May 15 after reviewing five studies of the treatment, some of whose authors were among the panel's members. But it delayed announcing its conclusion, said Dr. Paul Meier, the panel's vice-chairman, because the members could not agree on how to work their statement. And part of the reason they could not agree, he said, was that their papers had not yet been accepted at the prestigious medical journal, and they feared that an announcement of the finding would jeopardize publication. Many medical journals have a policy against publishing studies that have been previously described in the general-circulation press.

The institute did not alert doctors to the findings until October 10, when it mailed a letter to 2,500 practitioners on a list obtained from a pharmaceuticals company which makes a drug used to prevent the pneumonia. The delay has infuriated some advocates for people with AIDS. Dr. Jerome Goopman, an AIDS researcher at the New England Deaconess Hospital in Boston, said the episode showed that it was time that researchers, administrators, and editors of medical journals together set ground rules for the dissemination of information that could save patients' lives. ("News of AIDS Therapy Gain Delayed 5 Months by Agency," *The New York Times*, November 14)

[Ed. note: Responding to criticism that it had delayed announcing a lifesaving treatment for people with AIDS, the federal government issued a defense in the form of an elaborate chronology of the events that occurred over a five-month period before letters were sent to doctors informing them of the treatment. ("U.S. Denies Any Delay in Announcing Treatment for AIDS Patients," *The New York Times*, November 16)]

November 1990 Former Secretary of Defense Caspar Weinberger and former Secretary of State George Shultz made special arrangements to get thousands of pages of classified information to help them with their memoirs. The General Accounting Office says it found irregularities in the handling of the papers for both Reagan Cabinet officers. In a report to Sen. David Pryor (D-AR), the GAO auditors were especially critical of the arrangement for the Weinberger papers, which were deposited

at the Library of Congress as though he owned them. "There appears to be an inverse relationship between the level one attains in the executive branch and one's obligation to comply with the law governing access to, and control of, classified information," Pryor charged in releasing the report. ("Special Privileges for Ex-Cabinet Members," *The Washington Post*, November 14)

November 1990 A federal judge has ordered the Food and Drug Administration to release more safety data on silicone breast implants, a move the Public Citizen Health Research Group said will allow patients more access to information about the safety and effectiveness of drugs and medical devices. The Federal District Court judge, Stanley Sporkin, ruled that the FDA has to release information voluntarily submitted by manufacturers. The ruling provides a long-sought goal of freeing up health data sought under the Freedom of Information Act.

"It's a major, major victory," Dr. Sidney Wolfe, director of the Washington-based group, said. "We've been attempting since 1972 to get the courts to say that data on safety and effectiveness of drugs and medical devices should be public. If upheld on appeal . . . , we will use this precedent to get a lot of data that will help us oversee what the F.D.A. is doing." The Dow Corning Corporation, the country's major maker of silicon breast implants, said it would appeal to prevent disclosure of what it considers information that could be used by its competitors. The FDA has denied some information act requests, saying certain data submitted voluntarily includes trade secrets or material that is company property. ("F.D.A. Is Ordered to Release Data on the Safety of Breast Implants," *The New York Times*, November 29)

November 1990 In memoirs scheduled for publication in February 1991, former senator John Tower says President Reagan and his top aides tried to mislead the Tower commission and cover up White House involvement in a key aspect of the Iran-contra affair. Tower said he was shocked when Reagan denied that the White House gave advance approval for an August 1985 shipment of missiles to Iran, in contradiction of an earlier statement by the former president. Portions of Tower's book, *Consequences: A Personal and Political Memoir*, were published in the November 29 *Dallas Times Herald*. Tower wrote that Reagan's about-face seemed part of a "deliberate effort" to cover up then-White House Chief of Staff Donald Regan's

involvement in the affair. The Tower commission report had noted Reagan's shifting stories about the missile sale. But the book marks the first time a principal figure has suggested the changes were part of a cover up. ("Tower Book Accuses Reagan of Coverup," *The Washington Post*, November 30)

December 1990 Rep. Jack Brooks (D-TX), Chair of the House Judiciary Committee has accused the Justice Department of withholding documents to frustrate his panel's probe of alleged improprieties in the department's dealings with Inslaw Inc., a Washington-based computer software company. The committee is considering whether to subpoena the documents or to attempt in some other way to force the department to produce the documents.

The case involves Inslaw, which wrote a computer program that allows the Justice Department to keep track of a large number of court cases. Inslaw and its top executive, William A. Hamilton, have accused the department of conspiring to drive Inslaw out of business so that friends of high-ranking Reagan administration officials could get control of the program and market it profitably. Hamilton's testimony reasserted those claims. A federal bankruptcy judge concluded that the Justice Department "stole" Inslaw's proprietary software and did, in fact, try to drive the firm out of business. Those findings were upheld on appeal by a U.S. district judge, but the legal battle continues. ("Justice Department Accused of Keeping Inslaw Evidence," *The Washington Post*, December 6)

December 1990 Acting on behalf of the nation's mayors, New York Mayor David Dinkins made a final plea to the Bush administration to adjust 1990 census totals to compensate for people missed in the census. In a meeting with Commerce Secretary Robert Mosbacher, Dinkins reiterated his concern that the census had missed millions of Americans, many of them low-income minorities living in big cities. In his city alone, census work conducted over the past months has missed around 800,000 residents, Dinkins said. Dinkins said that without an adjustment, which would add or subtract population based on a statistical model, "it could cost us a billion dollars over the next 10 years." Commerce officials, who oversee the Census Bureau, said they remain open to an adjustment, but a decision will not be made until next summer. ("Adjust Census, Mayors Urge Administration," *The Washington Post*, December 13)

December 1990 Four United States Senators have written President Mikhail Gorbachev requesting on humanitarian grounds that he help clear up remaining mysteries about the Korean airliner shot down in 1983. Several days after the crash, Moscow acknowledged that the jumbo jet had been downed by a Soviet fighter. But it is not known in the Western world whether the Soviet authorities ever found the main wreckage or remains of the victims. Sen. Bill Bradley (D-NJ) wrote the Soviet President in August urging that the official findings of his country's inquiries be made public. In November, a letter was sent to Gorbachev by Sens. Sam Nunn (D-GA), Carl Levin (D-MI), and Edward Kennedy (D-MA), asking whether the Soviet Union had located the plane's wreckage or the passengers' remains. No answer to either letter has been received.

The recent letters came after months of efforts by the senators and several colleagues to try to get American authorities to help fill in the gaps in the story of Korean Air Lines Flight 007. Strong criticism has been directed at the Federal Aviation Administration and the State Department for taking months to reply to senatorial requests for information. An aide to Sen. Kennedy said that replies by the FAA to specific questions about communications with an air traffic control unit in Alaska the night of the incident were "nonresponsive and evasive." ("Senators Seek Soviet Answers on Flight 007," *The New York Times*, December 16)

December 1990 Physicians and patients told a congressional panel of an array of health problems associated with silicone breast implants, and urged that Congress require safety testing and risk disclosure. The Food and Drug Administration has received 2,017 reports of adverse reactions from silicone implants, according to Walter Gundaker, acting director of the FDA Center for Devices and Radiological Health. "We were misled, ill-informed and even sometimes misinformed by people we should have been able to trust," said Sybil Niden of Beverly Hills, Calif., who suffered severe complications from breast implants after a mastectomy. "What we needed, what is still needed, is more information," she told the House Government Operations Subcommittee on Human Resources.

Silicone breast implants have been used since the early 1960s. When 1976 amendments to the Food, Drug, and Cosmetic Act required regulations of medical devices, breast implants were "grandfathered" into the market, meaning they did not fall

under the new regulation. In 1982, the FDA proposed that silicone implants be classified as high-risk devices. FDA officials said they expect a rule would be in force by March requiring manufacturers to submit safety data or remove their products from the market. ("Hill Told of Silicone Breast Implant Problems," *The Washington Post*, December 19)

January 1991

Workers at a training complex in West Milton, N.Y., have accused the Navy's nuclear reactor program of serious safety lapses and say they were disciplined for raising safety concerns. Their allegations, denied by program officials, have contributed to pressure for wider scrutiny of the training and research centers, which make up the only branch of the government's nuclear defense program with its secrecy mostly intact.

Federal officials and executives of General Electric, which runs several facilities for the Navy, said the program had an enviable safety record and no serious operating problems. But they acknowledge that this was impossible for an outsider to verify, because the records are classified. The classified records include virtually all the information on whether the program has suffered accidents, as four long-time workers assert.

Sen. John Glenn (D-OH), the chief legislative force behind revealing shortcomings of the nuclear weapons program, said: "If there's one thing we have found in the rest of the nuclear weapons facilities, it's that secrecy bred corner-cutting that got us into deep trouble, and has bred contempt for safety and for waste concerns."

Navy officials contend: "A self-regulating organization, such as Naval Reactors, which demands technical excellence and high standards, and employs strict discipline and encourages self-criticisms, can do its job well." But critics—most prominently, long-time employees no longer at the plant—say that self-regulation has meant no regulation.

The struggle over information has at times taken bizarre twists. Aided by the Government Accountability Project, workers sued General Electric over a "security newsletter" that threatened life-time imprisonment for disclosing information without prior approval. After the suit was filed, the lab issued a second newsletter diluting the first. In May 1990, it issued a third

newsletter incorporating some of the same language as the first, and in June a fourth notice retracted the third, saying it had been distributed in error.

Illustrating the degree to which security considerations pervade discussions of safety, a G.E. official said that the reactor facility had been the subject of dozens of articles in *The Schenectady Gazette* in the last two years and that an adversary, by accumulating facts that were individually unrevealing, could piece together classified information. Asked if any classified information had been thus revealed, he replied that the answer to that question was classified. ("Questions Raised About the Safety of Navy Reactors," *The New York Times*, January 1)

January 1991 The Pentagon was eager to announce how many tanks, troops, and airplanes it had arrayed against Iraq. The Pentagon spoke in less-specific, less-grand terms about how many U.S. soldiers could die if war broke out in the Persian Gulf. But what the Pentagon would not say was how many body bags and coffins it had stockpiled in Saudi Arabia to handle those casualties. That information was "classified." ("Pentagon Classifies Talk of Body Bags," *The Washington Post*, January 2)

January 1991 The Pentagon's release of guidelines for media coverage in the Persian Gulf, including a controversial requirement that journalists submit their war coverage to military review, signaled the beginning of what became the biggest government information-related story thus far in 1991.

Gone from the rules as proposed the previous week was a provision that prohibited reporters from approaching military officials unannounced for spontaneous interviews. Also dropped was an outright ban on publication of photographs or video showing troops in agony or "severe shock." Instead, the Pentagon requested that such photographs or video not be released before next of kin have been notified.

The security review would force journalists who cover the war from Pentagon combat press pools to submit their work for review by military public affairs officers. The new language for this controversial process indicated that any material that did not pass review would be the subject of discussions between Pentagon spokesman Pete Williams and news executives. Williams stressed that such a procedure meant the review

could not and would not become censorship. ("Rules Set for Media," *The Washington Post*, January 4)

January 1991

The U.S. Department of Agriculture has 7,000 federal inspectors who inspect meat and poultry products. But the program has become increasingly expensive and threats of inspector furloughs continually hang in the air. So do charges from consumer groups and others that the system is inadequate—inspectors cannot detect by sight or feel chemical residues or bacteria on meat and poultry that can make people sick. In the meantime, health authorities have become more vocal in their concern about the growing number of food poisoning outbreaks—and meat and poultry get a large share of the blame.

Officials at the Food Safety and Inspection Service, the USDA agency responsible for meat and poultry inspection, are currently trying to modernize 80-year-old systems amid a barrage of criticisms about how they are going about it. The latest plan to upgrade inspection is being heavily promoted by the agency, although many charge that FSIS is more interested in reducing its own costs and keeping the industry happy than in protecting public health.

"USDA's approach to modernization is for fewer inspectors to spend less time looking at more food whizzing by at drastically faster line speeds. That's a recipe for food poisoning," said Thomas Devine of the Government Accountability Project.

FSIS has been conducting research in a poultry slaughtering plant in Puerto Rico for the past several years to find out where in the slaughtering process birds might be spreading harmful bacteria, but has so far refused to divulge the results. A former agency microbiologist, Gerald Kuester, publicly accused FSIS last year of hiding the damaging news that nearly 80 percent of the birds that left the plant were salmonella-contaminated. "You never release scientific data until it's been peer reviewed, and it will be," said Lester Crawford, administrator of FSIS. Since the study was begun, however, its focus has shifted to finding ways to prevent the birds from coming into the plants contaminated, since it appears difficult with current slaughtering methods to keep contamination from spreading to other birds. ("Can USDA Inspectors Do More With Less?" *The Washington Post*, January 9)

A six-page article, "Dr. Nogood," in the January 11 *City Paper* discussed the long-awaited National Practitioner Data Bank, a computerized record of medical malpractice payments and disciplinary actions against physicians, dentists, psychotherapists, and other medical professionals. Author Peter Blumberg pointed out:

"As a repository of critical information about misdiagnoses, mistreatment, and professional misconduct, the Data Bank is supposed to provide a screening tool for hospitals and other institutions that hire doctors, and to expose bad doctors who shed their reputations by moving from state to state every time they get in trouble. The Data Bank makes finding the skeletons in . . . [a] closet as simple as dialing a toll-free line and paying a \$2 fee."

But there's a catch—the public is explicitly forbidden to tap into the Data Bank. The authorizing legislation, the Health Care Quality Improvement Act of 1986, makes the information available only to "authorized parties." The authorized parties include hospitals, health maintenance organizations, group practices, state licensing boards of medicine, and professional societies, all of which are required to query the Data Bank before granting any staff or membership privileges to a physician. Any member of the general public who extracts information from the Data Bank is subject to a \$10,000 civil fine.

Why would Congress create an information clearinghouse to protect the public from bad doctors and then make it off-limits to the very people it seeks to protect? The short answer: Organized medicine pressured legislators to make Data Bank information confidential. The prevailing attitude of the medical community—then and now—is that if the records were open, people would make the wrong judgments about doctors for the wrong reason.

Sidney Wolfe, head of the Public Citizen Health Research Group, says: "This idea that the public is too dumb and will misunderstand the information is just an incredible slap in the face of patients. This 'Don't you trust me?' attitude on the part of doctors is unacceptable in 1990. It should have been unacceptable in 1890, but it reflects several millennia of physicians believing they are above and beyond their patients."

January 1991

The National Weather Service's \$3 billion upgrading is so far behind schedule that the agency is forced to rely on deteriorating equipment, a dependence that meteorologists in and out of government say could jeopardize the service's ability to warn of dangerous storms.

One agency report said a new radar system that should have been installed beginning last year may not be ready until 1997. Another report, written by an agency consultant, said that management problems have led to costly delays in the program, the most comprehensive retooling in the service's 100-year history. Many weather experts who once viewed the program as the opening to a new age of modern meteorology now say that these problems could leave forecasters without the ability to gather much of the basic information they need to predict the weather.

Most of the report on the new radar describes problems the government perceives with Unisys, the large computer manufacturer. Company executives said that its serious financial problems would not affect its ability to fulfill the contract.

Staffing cuts present still more problems. Three hundred fewer employees are working in Weather Service offices around the country than there were 10 years ago, because the agency began to trim to a level appropriate for the new equipment even though it is not yet installed. Richard J. Hirn, the general counsel for the union of Weather Service employees, said the unfilled jobs hurt the service's ability to issue warnings.

A flood in Shadyside, Ohio, that killed 26 people last summer is cited by the union and the Weather Service as an example of the risks the public faces because of problems at the agency. The Weather Service said the radar outside Akron, Ohio, was too weak to determine the extent of the storm, which could have led to warnings. The union said staffing cuts at the Akron office left meteorologists there unable to gather enough information to adequately warn the public. ("Costly Errors Setting Back Weather Service," *The New York Times*, January 13)

January 1991

The Defense Department is facing a formidable enemy—multimillion-dollar computer systems that are so complex they

threaten to immobilize weapons. Some of the Pentagon's big-ticket items are being held hostage to their computers. According to two congressional investigations, the Army's Apache helicopter, the Air Force's B-1B and "stealth" B-2 bombers, the Navy's Los Angeles-class attack submarines, and the Trident II missile program all have suffered cost overruns and production delays because of the computer system they have in common—called embedded computer systems.

Bugs and design changes in the BUSY 1 and 2 and the ALQ-161 embedded computer systems have left some of the newest weapons of war brainless. Government documents obtained by Jack Anderson's reporter Paul Parkinson show that it takes more than 800 software programmers to input 3.2 million lines of instructions in the BUSY 2 so the Navy's latest super submarine, the Seawolf, can be launched. ("U.S. Weapons at Mercy of Computers," *The Washington Post*, January 16)

January 1991

A strict information policy was imposed by the Bush administration on the war against Iraq, with few specific details made available to reporters and the public about the first day of the bombing against targets in Baghdad and Kuwait.

In the first hours of the war, reporting pools were deployed to watch as fighter planes took off from Saudi Arabian bases and were allowed to speak with returning pilots. Both print and video reports were screened, and while there did not appear to be significant censorship of the earliest dispatches, reporters said some deletions had been made by military officers.

The reporting regulations are the most restrictive since the Korean War and in some ways even more so, since reporters then were not confined to escorted pools. American reporters generally accepted censorship in both world wars and Korea, but there were few restrictions on reporting in Vietnam: reporters were free to make their way around combat areas and their reports were not screened. There is widespread agreement that the distrust of the press inherent in the Pentagon's rules for coverage of the gulf war is part of the legacy of Vietnam. ("Government's Strict Policy Limit Reports," *The New York Times*, January 18)

January 1991

Journalists covering the war against Iraq were not the only ones complaining about censorship by the Defense Depart-

ment. Some of the troops complained too. American soldiers interviewed in remote camps in the Saudi desert said that the amount of news programming on Armed Forces Radio broadcast in Saudi Arabia had been sharply reduced since the war began the previous week. "It's the lack of news that gets people anxious," said Capt. Roger Wandell of Orlando, Fla. "You start to wonder what they are keeping from us." ("Soldiers Fault Lack of News Since War Began," *The New York Times*, January 22)

January 1991

An appeals board will not give 115 fired Chicago air traffic controllers another chance at their old jobs, despite evidence that their agency falsified some of their employment records. The Merit Systems Protection Board said it did "not [emphasis in original] condone the undisclosed alteration of agency records submitted for inclusion in the official record." But controllers failed to persuade the board that those records were changed purposely to give the false appearance that the controllers had gone out on the illegal 1981 strike. President Reagan fired all striking controllers.

The controllers asked the board to take another look at their cases after a congressional oversight subcommittee reported the Federal Aviation Administration doctored records to justify the firing of the controllers. The appeals court upheld the decision of the MSPB: "Because of their reliance on a broadside attack against the [FAA's] case," the court wrote, the controllers "failed to address or counter in any way the crucial findings . . . on the accuracy and the reliability of the documents." ("Despite Falsified Records, Fired Controllers Still Off the Job," *Federal Times*, January 31)

February 1991

In a three-page essay in *Time*, Lance Morrow asks, "Where was the truth?" as he describes the allies' struggle to control the flood of news as Saddam forced battered prisoners of war to tell lies on Iraqi television. Quoting Senator Hiram Johnson's 1917 statement: "The first casualty when war comes is truth," Morrow then goes on to say:

"But that is too simple a metaphor for what is happening in the first war of the age of global information. Truth and elaborate lies, hard fact and hallucination, have become central motifs in the gulf. A war of words and images has taken up a life of its own, parallel to the one in the sand . . .

"The Pentagon and the Bush Administration have come close to achieving their goal of forcing journalists—and the public—to rely solely on the information supplied by briefers or gathered in pool interviews in the field. Doing away with independent reporting has been the Pentagon's goal ever since Vietnam. The military has set up a system of media pools to cover the initial stages of the operation, controlling reporters' movements and their access to sources. The system works brilliantly from the Pentagon's point of view, but it has subverted the coverage of the war and given it a dismal, canned quality.

"In the midst of all the spectacle, items of honest truth have died of manipulation and censorship. The drama in the gulf commands eerie and unprecedented high-tech global attention, and yet the volume of real information about the conduct of the war is small. The public does not know how effective the allied strikes against Iraq have been, for example, or how heavy the civilian casualties may have been. Clausewitz's "fog of war"—a phrase endlessly repeated these days—has become a bright electrical cloud of unknowing."

("The Fog of War," *Time*, February 4)

February 1991

A book by a former Iran-Contra prosecutor accused the Central Intelligence Agency of bribing officials in Costa Rica to allow the construction of an airstrip to resupply the Nicaraguan rebels. The book, by Jeffrey R. Toobin, also said the CIA hampered the subsequent criminal investigation into the payments to Costa Rican officials. The CIA operation in Costa Rica, which would have violated federal law against aiding the rebels in Nicaragua, is one of several previously undisclosed incidents described in the book, *Opening Arguments*. The affair centered on efforts to provide military aid to rebels in part using profits of secret arms sales to Iran from 1984 to late 1986. The book provides the strongest evidence yet that the United States used its money and influence in Central America to persuade governments there to assist the Contras. President Bush has denied that any such *quid pro quo* agreements existed. Interviews by the prosecutors with CIA officials provided little help. "Our friends at the agency did not remember anything," Toobin wrote. "With a few courageous exceptions, most of our CIA witnesses suffered stunning memory lapses." The book has been at the center of a long prepublication legal battle. The book was filed under seal in

court as part of the case, and in early February, Federal District Judge John Keenan in Manhattan ruled that Penguin USA was free to publish it over the objections of Lawrence Walsh, the Iran-Contra independent prosecutor. ("Book Accuses the C.I.A. in a Contra Aid Scheme," *The New York Times*, February 5)

February 1991 Jack Anderson reported: "The Environmental Protection Agency's habit of keeping dirty secrets to itself could prove deadly in several communities across the nation." Government investigative reports he has obtained show widespread lapses in the EPA's handling of the banned herbicide Dinoseb. Huge stockpiles of the chemical are stored around the country waiting for EPA disposal. And some of those stockpiles are leaking, unbeknownst to the emergency planners in the cities and states where the chemical is stored.

In Goldsboro, N.C., nearly 32,000 gallons of Dinoseb were temporarily stored at a warehouse near the river that is the source of drinking water for 70,000 people. In 1989, the EPA inspector general checked the site and found some containers were rusted and leaking, taking the risk of poisoning groundwater. City officials did not know it was there. Laboratory animals exposed to Dinoseb had offspring with serious birth defects. Researchers found increased incidence of sterility among farm workers using it. There is no evidence that the water in Goldsboro has been tainted by Dinoseb, but it appears that the EPA is not interested in assuring that it will not be tainted in the future.

The EPA inspector general team says it found leaking containers there, and put that in writing last year. But an EPA spokeswoman in Washington says there were no leaks, only rust. And a regional EPA official said: "Our records don't indicate there was a leak, so there is not a reason for us to test that area." The inspector general also said local authorities were not notified about the Dinoseb as they should have been. However, EPA headquarters said it's not their job to tell the local authorities, nor is the EPA responsible for making sure the storage site is safe until the EPA officially takes over the site to handle disposal. But firefighters in Goldsboro, whose jurisdiction covers the storage site, did not know the Dinoseb was there. ("EPA Secrets Seeping Through Cracks," *The Washington Post*, February 8)

February 1991 Frustration grew among journalists who said the Pentagon was choking off coverage of the war by refusing to dispatch more than a handful of military-escorted pools with ground forces, and by barring those who ventured into the desert on their own. At stake, in the view of these critical journalists, is whether reporters will serve essentially as conveyor belts for the scanty information dispensed at official briefings and gleaned from the limited access afforded the pools.

Defense officials offered three basic reasons for insisting that coverage be provided by small pools of journalists—representing newspapers, television, radio, magazines, and wire services—who must give their colleagues left behind written reports of what they see and hear. First, they say the pools are necessary for the reporters' physical safety. Second, military officers must review the pool reports to prevent the release of information that could jeopardize U.S. forces. Finally, officials say, it would be impractical to allow the more than 800 reporters now in Saudi Arabia to roam the desert battlefield at will.

Questions about the pool system are "like asking whether a smoothly functioning dictatorship is working well," said Stanley Cloud, *Time* magazine's Washington bureau chief. "Yeah, it's working well, but we shouldn't have to put up with it. We're getting only the information the Pentagon wants us to get. This is an intolerable effort by the government to manage and control the press," he said. "We have ourselves to blame every bit as much as the Pentagon. We never should have agreed to this system in the first place." The pool system was established by the Pentagon in 1984 in response to complaints that journalists had been excluded from the U.S. invasion of Grenada. ("Journalists Say 'Pools' Don't Work," *The Washington Post*, February 11)

February 1991 In his briefing on the Department of Energy fiscal 1992 budget, Secretary James Watkins disclosed the cost of cleaning up the nuclear and toxic wastes and restoring the environment at the department's 12-state nuclear weapons manufacturing complex. The costs of the cleanup vary according to which Energy Department activities are included, but by current calculations the price tag has risen from \$2.3 billion in 1990 to \$3.5 billion in the current year to a projected \$4.2 billion next year. The costs will approach \$5 billion a year by 1996. The Energy Department has said the task will take 30 years and cost many tens of billions of dollars.

In a report released on February 11, the congressional Office of Technology Assessment said bluntly that the Energy Department may not be the right agency to manage this huge task, partly because of its shortcomings and partly because the public does not trust it. The department's "stated goal—to clear up all weapons sites within 30 years—is unfounded because it is not based on meaningful estimates of the work to be done or the level of cleanup to be accomplished at the end of that time," the report said. It said the department lacks scientific evidence to support its contention that the factories present no imminent public health danger, adding that "the technical and institutional resources and processes to make and implement sound, publicly acceptable decisions" are not in place. ("Energy's 'Mountain Building Up'," *The Washington Post*, February 12)

February 1991 U.S. officials partially relaxed their "blackout" on news of the ground invasion of Kuwait less than 12 hours after it was imposed, as some officials conceded the restrictions had gone too far and initial reports showed allied forces faring well. Although Defense Secretary Richard Cheney announced that briefings on the war would be suspended for an undetermined period of time, the administration moved quickly on February 24 to ensure that positive news filtered throughout the blackout.

Howell Raines, Washington bureau chief of the *New York Times*, said Defense Department officials were using legitimate security concerns "as a means of imposing the blanket management of information of a sort we've never seen in this country. If they've loosened it today, it was because they had good news to report and it was in their interest to report it. What they've put in place is a mechanism to block out bad news and to keep good news in the forefront." But Army Col. Miguel Monteverde, the Pentagon's director of defense information, said officials simply realized that some of the restrictions were impractical.

The U.S. blackout stood in sharp contrast to the 1944 D-Day invasion of Normandy, when 27 U.S. journalists accompanied allied forces and filed stories that day. Military historians say blackouts were not used during the Korean War and were briefly imposed only twice during the Vietnam War. ("U.S. Lets Some News Filter Through 'Blackout'," *The Washington Post*, February 25)

March 1991

March 1991

The Spring issue of *Drug Abuse Update* cited the following example as "the grossest misrepresentation that we have seen," of how "some for-profit organizations are marketing tax-produced publications outside the spirit of the law":

"A publisher in New York, Business Research Publications, Inc., markets a monthly drug-abuse newsletter it publishes for an annual subscription of \$189. Subscribers will receive a free report published by the U.S. Department of Labor entitled *What Works: Workplaces Without Drugs*, that Business Research Publications has republished. The marketing piece fails to say that the report is free to ALL citizens, regardless of their decision to pay the hefty \$189 annual subscription rate. Without a subscription request, the report is still available from this company for \$71. You read it right—a free booklet developed and published by the United States Department of Labor is hawked for \$71 by this New York firm. Another publication advertised by the same firm is *Model for a Comprehensive Drug-Free Workplace Program* for \$85. This report comes from the National Institute on Drug Abuse.

"Material published by government agencies is in the public domain. It is reproducible for no charge. The government, in fact, encourages reproduction to increase circulation. Any organization or individual who reproduces a government publication can in turn charge for the expense incurred in the reproduction. The question is, do \$71 and \$85 fees constitute a fair-market value for a retyped, government-agency booklet bound by a plastic spiral?

"We need truth in advertising, but more important, profiteers need to hear this message: Prevention dollars are too scarce for any of us to pay twice for drug-education publications. Human resource managers in the workplace need to hear this message: *What Works: Workplaces Without Drugs* and *Model Plan for a Comprehensive Drug-Free Workplace Program* may be ordered free of charge from the National Clearinghouse for Alcohol and Drug Information, 1-800-729-6686. You can learn about other free materials by ordering a catalog of resources from the Clearinghouse at the same number." ("Public-Domain Prevention Materials Sold for Big Bucks," *Drug Abuse Update*, Spring 1991)

March 1991

Federal courts charge high prices for providing copies of judicial documents to discourage requests. This practice is the

subject of a General Accounting Office report requested by Rep. Bob Wise (D-WV), chair of the House Subcommittee on Government Information, Justice, and Agriculture. GAO found that the administrative office of the U.S. Courts does not have a policy on how courts should handle requests for documents. As a result, federal district courts use widely differing procedures. Many federal courts charge 50 cents per page, a fee originally set in 1959. The high price was set to cut down on the workload of the courts.

In releasing the report, Rep. Wise said: "GAO found considerable variability in practice and procedure. Some courts are charging 50 cents a page for copies when some commercial, profit-making companies were only charging 3.5 cents a page. There is no reason why any federal office should use high prices for public information as a way of discouraging requests. Under the federal Freedom of Information Act, copying charges may not exceed direct costs. The courts should be following the same policy."

Copies of the GAO report, *Information Requests: Courts Can Provide Documents in a More Cost-Effective Manner* [report number GGD-91-30 (February 13, 1991)] can be requested from GAO at 202-275-6241. ("U.S. Courts Charge High Prices for Copies of Judicial Documents," News Release, House Committee on Government Operations, March 11)

March 1991

A General Accounting Office official, Howard Rhile, testified before the House Subcommittee on Government Information, Justice, and Agriculture that the Justice Department may have compromised sensitive investigations and jeopardized the safety of some undercover agents, informants, and witnesses by inadvertently releasing computerized information. GAO said it uncovered "appalling details" of the department's failure to protect its secret computer files. "Our investigation leads to the unmistakable conclusion that at present, one simply cannot trust that sensitive data will be safely secured at the Department of Justice."

The GAO's investigation followed press disclosures in September 1990 that the department had mistakenly traded away a federal prosecutor's highly sensitive computer files for \$45. While auctioning off surplus equipment, the department sold computers from a U.S. attorney's office without first erasing electronic copies of sealed indictments and information about

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confidential informants and federally protected witnesses, according to court records. The department has sued the buyer, a Kentucky businessman, in an effort to retrieve its files. ("GAO Faults Release of Secret Data," *The Washington Post*, March 26)

March 1991

Because of bureaucratic foot-dragging, complex directives from Congress and in some cases ideological hostility, the federal government has failed to carry out major parts of health, environmental, and housing laws passed with much fanfare in recent years. The delays have left Congress stymied, consumer groups frustrated, and businesses sometimes paralyzed in the absence of prescribed regulations. Bush administration officials acknowledge that they have missed many of the deadlines set by Congress for the new laws. But they say Congress is partly to blame because it writes laws of impenetrable complexity with countless mandates and gives federal agencies insufficient time to write needed regulations.

For example, two decades after Congress ordered the Environmental Protection Agency to identify and regulate "hazardous air pollutants," the agency has issued emission standards for only seven chemicals. Even when an agency is eager to carry out a new law, it must negotiate with the Office of Management and Budget, which often demands changes in proposed rules to reduce the cost or to minimize the burden on private industry. Congress itself may not provide the money needed to carry out or enforce a new law.

Michael Horowitz, counsel to the director of the Office of Management and Budget from 1981 to 1985, said Reagan administration officials often viewed "nonenforcement of the law" as an easy way to deal with statutes and regulations they disliked. ("U.S. Laws Delayed by Complex Rules and Partisanship," *The New York Times*, March 31)

April 1991

The operators of nearly half of the nation's underground coal mines have been systematically tampering with the dust samples they send to federal safety inspectors who determine the risk of black lung to miners, according to Bush administration sources. Labor Secretary Lynn Martin announced that the government will seek major civil penalties against the operators of more than 800 of the nation's approximately 2,000 underground coal mines for tampering with dust samples.

In recent months, federal mine safety officials said they have discovered more than 5,000 incidents of sampling fraud. In many cases, mine operators simply blew away or vacuumed some of the dust from government-approved sampling equipment before submitting it for inspection, officials said. ("Coal Mine Operators Altered Dust Samples," *The Washington Post*, April 4)

April 1991

Jack Pfeiffer, a retired CIA historian, sued the Central Intelligence Agency over regulations he said have blocked him from publishing a declassified version of the organization's role in the ill-fated 1961 Bay of Pigs invasion in Cuba. The agency, citing its strict disclosure rules, has refused to declassify his work and a federal court has upheld its decision.

On April 9, in a second lawsuit filed in U.S. District Court, Pfeiffer sought to overturn the CIA's declassification and review procedures, contending they are "overbroad" and violate his free speech rights. In addition, he argued, as he did in a previous lawsuit filed under the Freedom of Information Act, the agency does not want his papers made public because his findings might embarrass senior agency officials. Public Citizen, an advocacy group, filed the lawsuit on Pfeiffer's behalf, accusing the CIA of balking at giving the historian complete copies of its disclosure regulations. ("CIA Ex-Historian Presses for a 30-Year-Old Tale," *The Washington Post*, April 10)

April 1991

The Census Bureau held up release of detailed population data it gathered in the 1990 census while it negotiated with advocacy groups over the agency's count of the homeless. The advocates for the homeless, arguing that the bureau missed substantial segments of the homeless population in its 1990 count, have threatened legal action unless the bureau issues a disclaimer noting the inaccuracy of the numbers. "The danger is this will become the number of homeless people and will be used" to make policy, said Maria Foscarinis, director of the National Law Center on Homelessness and Poverty. ("Holding Up the Homeless Tally," *The Washington Post*, April 11)

April 1991

U.S. soldiers were poorly trained and equipped to confront a chemical weapons attack in the months preceding the U.S. military buildup in the Persian Gulf region, GAO concluded in a report that was withheld from public release during the

confrontation with Iraq. The GAO report, completed in January, documents unrealistic Army training exercises, serious equipment shortages, weak planning, inadequate leadership and poor innovation in preparing a defense against possible poison gas attack.

While commanders associated with Operation Desert Storm had declined to estimate how many soldiers would die in expected Iraqi chemical attacks, the GAO report stated that 71 Army chemical specialists interviewed for the report had predicted that more than half of the exposed troops would be killed in a future gas attack due to inadequate training.

Army officials said they had ordered increased training and provided adequate protective gear for the troops. Congressional sources said the Army nonetheless considered the report's conclusions so sensitive that it ordered the document be kept secret during the war. The Army also ordered the deletion of two tables in the report documenting wide-spread shortages of chemical decontamination and protective gear among U.S. forces routinely stationed in Europe, evidently including some deployed to the Middle East for the war. ("Report Withheld from Public Says GIs Were Poorly Equipped for Gas Attack," *The Washington Post*, April 13)

Sen. Patrick Leahy (D-VT) secured an amendment to the bill reauthorizing the Commodity Futures Trading Commission (S. 207) to require publication of any dissenting, concurring, or separate opinion by any Commissioner. He explained that his amendment was prompted by an incident last year when the CFTC issued an important and controversial interpretation on the regulatory treatment of certain oil contracts. One CFTC Commissioner dissented and prepared a detailed statement of his reasons. But when the CFTC submitted its interpretation of the oil contract to the *Federal Register* for official publication, the dissent was omitted.

Sen. Leahy said: "In this case, the results was [sic] especially unfair. High-priced lawyers with access to the Commission or to expensive private reporting services had no trouble getting their hands on the dissent. But members of the public who rely on official outlets like the *Federal Register* had no access to the document." (*Congressional Record*, April 17, p. S4601)

April 1991

The National Practitioner Data Bank has another problem: missing data. The 1986 law creating the data bank requires hospitals and other medical licensing authorities to report adverse disciplinary actions against doctors. The law also requires any malpractice judgment or settlement on behalf of a physician to be reported. Hospital and medical licensing and disciplinary authorities in turn must check the data bank before giving doctors' working credentials.

In practice, the data bank is being undermined by what amounts to a giant loophole: Doctors can avoid being reported to the bank if their lawyers can get them removed from a suit before it is settled. Here's how these deals work: A hospital or some other entity—such as the doctor's professional corporation—agrees to pay the plaintiff if the physician is dropped from the suit.

Then, regardless of whether the rest of the suit is settled or goes to court, no doctor's name is left in the action to be entered into the data bank. Even doctors who are the central figures in suits can avoid the data bank this way. Plaintiffs and defense lawyers alike acknowledge that the time-honored litigation technique of getting a client dismissed from suits subverts the policy rationale behind the National Practitioner Data Bank.

Nobody is sure just how many doctors have avoided the data bank in this manner, but it is not hard to find settled suits around the nation that have been structured to bypass the reporting requirements. Officials at the Department of Health and Human Services—which has a \$15.8 million contract with the Unisys Corp. to run the data bank—say that as of March 22, they had received more than 13,000 reports of malpractice settlements or judgments. More than 425,000 queries for information came in from hospitals and other medical institutions.

Federal authorities have no way, however, of keeping track of malpractice settlements that are not reported because doctors were dismissed from the suits. Many settlement deals struck between plaintiffs and defense lawyers are secret. According to some medical and legal experts, the public-interest intent in creating a full record of physicians' malpractice-claims experience is not being served. Dr. Sidney Wolfe, of Public Citizen's Health Research Group, says the bank's backers never imagined that doctors would be able to avoid the system simply by

getting their names dropped from suits before final settlement. "It flies in the face of the law for clever lawyers to make these end runs," Wolfe declared. ("Data Bank Has a Deficit," *Legal Times*, Week of April 22)

The Environmental Protection Agency halted distribution of one of its popular consumer handbooks after industry complained that it recommended home measures, such as vinegar and water to clean windows, that had not been assessed for their effect on the environment. *The Environmental Consumer's Handbook*, published in October 1990, was pulled from distribution in February after industry criticism that it was imbalanced, partly because of its suggestion that home-made cleaning solutions might be more environmentally benign than store-bought products.

Industry critics also faulted the pamphlet's assertions that disposable products contribute to litter. "How do these items contribute to litter when it is the users who litter, not the items?" noted a critique by the Foodservice and Packaging Institute, a Washington-based trade association.

The pamphlet was prepared by the EPA's Office of Solid Waste to encourage consumers to reduce, reuse and recycle items that might otherwise add to the burden of the nation's landfills. It quickly became one of the office's most requested documents, with more than 15,000 of 30,000 copies distributed.

In late February, Don Clay, EPA assistant administrator, promised to move ahead quickly on a revised version, saying it would be subject to a "more comprehensive review process" that would include "a cross section of interested parties." The revised version is expected to be available in 30 to 60 days. According to documents provided to Environmental Action Inc. under the Freedom of Information Act, publication of the original pamphlet was followed by a series of memos and letters from industry critical of the document. "Clearly, EPA's action was in response not to the public, but in response to the large consumer product manufacturers," said Joanne Wirka, a solid waste expert for Environmental Action. "We didn't just do it because industry said you should change this," said Henry L. Longest II, acting deputy assistant administrator under Clay, "but because the opponents made good points." ("EPA Pulls Consumer Handbook," *The Washington Post*, April 23)

April 1991

"Secrecy is expensive and the Pentagon has decided that it cannot afford as much of it as it used to buy. Sunday's scheduled flight of a space shuttle, a mission devoted to experiments for the Strategic Defense Initiative, which in the past would have been classified, has been declassified.

According to a Defense Department spokesman, who spoke on condition of anonymity, declassifying military shuttle flights probably will save taxpayers at least \$80 million a year." ("Pentagon Pinching Pennies on Secrecy," *The Washington Post*, April 26)

April 1991

Yielding to pressure from the meat and dairy industries, the Agriculture Department has abandoned its plans to turn the symbol of good nutrition from the "food wheel" showing the "Basic Food Groups" to an "Eating Right" pyramid that sought to de-emphasize the place of meat and dairy products in a healthful diet.

The proposed change, hailed by many nutritionists as a long overdue improvement in the way the government encourages good eating habits, represented the basic groups as layers of a pyramid. By putting vegetables, fruits, and grains at the broad base and meat and dairy products in a narrow band at the top, government health experts had hoped to create a more effective visual image of the proper proportions each food group should have in a healthful diet.

But in meetings with Agriculture officials earlier in April, representatives of the dairy and meat industries complained that the pyramid was misleading and "stigmatized" their products. The industry groups said they were unhappy not just with the suggestion that portions of meat and dairy products should be relatively small, but that their place in the pyramid was next to that of fats and sweets, the least healthful foods.

"We told them we thought they were setting up good foods versus bad foods," said Alisa Harrison, director of information for the National Cattlemen's Association. Harrison said the group felt consumers would interpret the pyramid to mean they should "drastically cut down on their meat consumption." According to Marion Nestle, chairman of the nutrition department at New York University and the author of a history of dietary guidelines, on several occasions over the past 15 years the department has altered or canceled nutritional

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advice brochures in response to industry complaints. ("U.S. Drops New Food Chart," *The Washington Post*, April 27)

May 1991

In a three-page article, Holley Knaus describes "sharp restrictions on citizen access to government information" as a result of an ideological assault on government activity, coupled with the rise of an "increasingly strong information industry lobby." As a result of "privatization," citizens or organizations seeking information from government agencies as varied as the Census Bureau and the Federal Maritime Commission must increasingly rely on data companies such as Knight-Ridder, Mead Data, McGraw Hill, and Martin Marietta Data Systems.

She writes that information disseminated through the private sector is much more remote from the public, primarily because it is often prohibitively expensive. Private information vendors, under no obligation to provide the public with low-cost access to government data, "charge exorbitant prices for their services and products."

One example she cites concerns the Department of Commerce National Trade Data Bank. According to the Taxpayer Assets Project, Commerce offers the NTDB, a database of more than 100,000 documents containing political, economic, and technical information relating to foreign trade from 16 federal agencies, on a CD-ROM disk for \$35.

However, Congress has prohibited Commerce from offering online access to the database. To receive the more timely online information, users are forced to turn to commercial vendors. These commercial vendors receive the data on magnetic tape or CD-ROMs at low rates, and then program it so that it is available online to those with computers—"at extravagant rates." McGraw Hill's Data Resources, Inc. charges its users up to \$80 per hour and \$0.54 per number to receive this information. ("Facts for Sale," *Multinational Monitor*, May 1991)

May 1991

The Justice Department has determined a strict set of conditions governing the access it has granted House Judiciary Committee investigators exploring the alleged government conspiracy against Washington, D.C., legal software developer Inslaw Inc. The committee has spent close to a year tracking the Inslaw case and its possible connection to Justice's award of a \$212 million office automation contract to another

company. Investigators have sought 200 department documents related to litigation on the Inslaw case, as well as documents about other companies or procurements. Justice has consistently denied the request, saying the papers would reveal the litigation strategy involving its appeal against Inslaw and so were being shielded from Congress.

Access to the documents will be tightly controlled. For example, Justice officials will be present while committee investigators review the papers. The investigators will be permitted only to take notes of the documents. Based on those notes, investigators will have to formally request copies. If additional hearings on the Inslaw case were conducted, the committee would need to give the department "the opportunity prior to the hearing or proceedings to present any reasons why the material or any portion thereof should not be publicly revealed." If no agreement could be reached, the matter would be referred to an executive session of the committee. ("Justice Screens Inslaw Document Release," *Federal Computer Week*, May 6)

May 1991

"Most people who work at the White House treat an order from the President as holy writ. So everyone expected quick action when George Bush, embarrassed by news stories on the freeloading travels of chief of staff John Sununu, directed him to 'get it all out' and make 'full disclosure' of his expensive trips aboard Air Force executive jets to ski resorts in Colorado and to his home in New Hampshire.

Instead, Sununu stonewalled. At Bush's insistence, he issued a list of his White House travels, but it has proved to be incomplete, inaccurate, and misleading. It conceals crucial information that *Time* has obtained concerning at least four family skiing vacations and a fifth trip to his New Hampshire home that were financed by corporate interests—in violation of federal ethics laws. Sununu declined requests for interviews about his travels, smugly assuring associates that if he simply hunkered down and said nothing more, 'this whole thing will blow over'." ("Fly Free or Die," *Time*, May 13)

May 1991

The Iraqi missile that slammed into an American military barracks in Saudi Arabia during the Persian Gulf war, killing 28 people, penetrated air defenses because a computer failure shut down the American missile system designed to counter it, two Army investigations have concluded.

The Iraqi Scud missile hit the barracks on February 25, causing the war's single worst casualty toll for Americans. The allied Central Command said the next day that no Patriot missile had been fired to intercept the Scud, adding that the Scud had broken into pieces as it descended and was not identified as a threat by the Patriot radar system. But further investigations determined that the Scud was intact when it hit the barracks, and was not detected because the Patriot's radar system was rendered inoperable by the computer failure.

Army experts said in interviews that they knew within days that the Scud was intact when it hit, and that a technical flaw in the radar system was probably to blame. The Army investigations raise questions why the Pentagon and Central Command perpetuated the explanation that the Scud broke up. Central Command officials denied that they were aware of the Army's initial findings of computer malfunction. "It was not something we had at all," said Lieut. Col. Michael Gallagher, who was a Central Command spokesman in Riyadh.

Family members of some of the victims of the attack have tried to get more information from the Army but say the Pentagon has refused to release any details. Rita Bongiorno of Hickory, Pa., whose 20-year-old son, Joseph, was killed in the attack, said she had written the Secretary of the Army, Michael P.W. Stone, for an explanation, but had received only a form letter saying a comrade was at her son's side when he died. When Mrs. Bongiorno requested a detailed autopsy report, she said the cause of death was listed simply as "Scud attack." "I just want to know the truth, and I'm not sure we'll ever know," Mrs. Bongiorno said. "I don't feel the Army's been up front with us." ("Army Blames Patriot's Computer for Failure to Stop Dhahran Scud," *The New York Times*, May 20)

The head of a Pentagon intelligence unit assigned to account for United States servicemen missing in Vietnam has resigned, accusing Bush administration officials of seeking to discredit and perhaps even cover up reports of sightings of Americans in the country. The Army officer, Col. Millard A. Peck, left his job on March 28, stapling an unusual memorandum and farewell note to his office door that charged that his department was being used as a "'toxic waste dump' to buy the whole 'mess' out of sight and mind in a facility with limited

access to public scrutiny." ("Bush Is Said to Ignore the Vietnam War's Missing," *The New York Times*, May 22)

May 1991

The Supreme Court ruled on May 23 that federally funded family planning clinics may be prohibited from giving any information about abortion. The court, splitting 5 to 4, upheld federal regulations that forbid some 4,000 such clinics that receive federal money from counseling women about the availability of abortion, even if the women ask for the information or if their doctors believe abortion is medically necessary. The decision in the case turned mostly on whether the regulation infringed on free speech.

Opponents of the regulations, promulgated by the Reagan administration in 1988, vowed to press for congressional repeal. A similar effort last year drew administration threats of a veto and died in the Senate.

The decision in *Rust v. Sullivan* turned on the question of free speech and whether the regulations interfered with the doctor-patient relationship, or kept women from making informed medical decisions about abortion. Justice William H. Rehnquist said they did not. He said the government is entitled to decide what it wants to spend its money on, and that its decision to pay for family planning services but not for information about abortion did not violate freedom of speech or any other constitutional right.

All four dissenters said the court should have struck down the regulations on statutory grounds. Blackmun, Marshall, and Stevens, going on to the constitutional questions, said the ruling represented the first time the court had "upheld viewpoint-based suppression of speech simply because that suppression was a condition on the acceptance of public funds." In addition, they said, "Until today, the court has allowed to stand only those restrictions upon reproductive freedom that, while limiting the availability of abortion, have left intact a woman's ability to decide without coercion whether she will continue her pregnancy to term Today's decision abandons that principle, and with disastrous results."

"This is worse than we could have imagined," said Rachael Pine of the American Civil Liberties Union, which challenged the regulations on behalf of various clinics and doctors. "This opinion is close to giving the government the blank check it

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sought" in imposing conditions on federally funded programs, she said. "It's close to sanctioning really any kind of government manipulation of information so long as it's paid for by the government." ("Abortion-Advice Ban Upheld for Federally Funded Clinics," *The Washington Post*, May 24)

May 1991

On May 28 the Supreme Court let stand a ruling that threatens the conviction of Oliver North in the Iran-Contra affair. It refused to review a 1990 ruling by a federal appeals court that requires prosecutors to re-examine the witnesses against him to determine if any of them had prejudiced the trial's outcome by hearing his earlier testimony before Congress. The Justices, who acted without comment, raised the possibility that much of the evidence used to convict North could be invalidated.

The Supreme Court's action was a serious setback for Lawrence Walsh, the Iran-Contra prosecutor, because it means he must now meet the difficult standards set by the appeals court in its July 20, 1990, decision. North was convicted on May 4, 1989, of aiding and abetting in the obstruction of Congress, accepting an illegal gratuity in the form of a \$13,800 home security system, and destroying government documents. The charge of destroying documents was voided outright by the appeals court. Walsh vowed to go back to the lower court and try to preserve the two remaining guilty verdicts. ("North Conviction in Doubt as Court Lets Ruling Stand," *The New York Times*, May 29)

June 1991

The anticrime bill that President Bush has sent to Congress would permit the government to hold special tribunals in which foreigners accused of terrorism would not be allowed to rebut or even see some or all of the evidence against them. Justice Department officials say the tribunals, which would require the approval of a federal judge, would give the government a needed mechanism to deport alien terrorists without being forced to disclose evidence that would reveal the identity of confidential sources, make public the nature of investigative methods, or damage relationships with foreign countries.

But some civil liberties experts say the proposal would violate fundamental principles of American law: that the government's evidence against a person must be public, and that the accused has a right to be informed of that evidence and rebut it. The provision has been largely overlooked until now in the

public debate over the anticrime bill but is drawing increasing fire from civil libertarians as the larger measure nears Senate consideration in June. The Supreme Court has long held that aliens living in the United States who face deportation are entitled to constitutional protections, including a public hearing in which the government is not entitled to keep evidence against them a secret. ("Crime Bill Would Establish Alien Deportation Tribunal," *The New York Times*, June 1)

June 1991

The Defense Department has estimated that 100,000 Iraqi soldiers were killed and 300,000 wounded during the Persian Gulf war, the first official attempt to fix the Iraqi death toll in which military officials said was a "tentative" exercise based on "limited information." Responding to a Freedom of Information Act request from the Natural Resources Defense Council, an environmental group, the Defense Intelligence Agency issued a heavily qualified estimate, which was immediately challenged.

"Upon review, it has been determined that little information is available which would enable this agency to make an accurate assessment of Iraqi military casualties," said Robert Hardzog, chief of the Freedom of Information and Privacy Act staff of the intelligence agency, in a letter dated May 22. "An analysis of very limited information leads D.I.A. to tentatively state the following" and then Hardzog noted parenthetically that the estimates carried an "error factor of 50 percent or higher." ("Iraq's War Toll Estimated by U.S.," *The New York Times*, June 5)

June 1991

While the U.S. military has labored successfully in recent years—under the mandate of federal law—to overcome long-standing service rivalries and improve both wartime and peacetime coordination among the Army, Air Force, Navy and Marine Corps, the Persian Gulf War exposed continued shortcomings from war planning to intelligence-gathering. Senior military commanders say cooperation among the services has improved. They say the services are now using the experiences of the gulf war to focus on deficiencies that slowed operations and could have resulted in serious problems against a more aggressive enemy force. Among the deficiencies:

- The Air Force could not transmit bombing target lists to Navy pilots aboard ships in the Red Sea and Persian

Gulf because of incompatible communications links. As a result, Navy officials had to hand-carry from Riyadh to ships at sea computer disks containing each day's list of targets.

- U.S. intelligence-gathering operations were so cumbersome and compartmentalized among agencies that commanders in the field frequently could not obtain timely intelligence to prepare for war operations

("War Exposed Rivalries, Weaknesses in Military," *The Washington Post*, June 10)

June 1991

A one and one-half page story in the *Village Voice* by James Ridgeway described issues and problems with the privatization of government information. "The result has been to slowly cripple the functions of government that we take for granted." Ridgeway pointed out that changes in the amount and type of statistical information collected may seem insignificant, and do not show up in a decline in actual statistical output for several years, but ultimately, they will help cloud not only the true effect of administration policies, but even future planning for economic growth.

For example, probably the best single source of information on the U.S. economy is Japan. The Japanese have statistics on their own economy, and make their own informed estimates on how the U.S. operates. For data on cross-border trade with Canada, U.S. business now relies on Canadian statistics. Even the ability of elected representatives to understand what is going on is affected. The Joint Economic Committee of Congress, which is supposed to keep up on economic trends, recently made a study of interest rates. Since the data was unavailable via computer from the Treasury, the committee ended up buying it from a private company.

The author says, "This vast subsidy to the information industry was made by . . . OMB rules, which basically say that if private industry can make money distributing info, then the government shouldn't be doing it."

Ridgeway gives examples, including high costs, of the government's reliance on private sources for knowledge it needs to govern, using examples from the State Department, the

Department of Agriculture, and the National Weather Service. Additionally, he points out:

"The privatization of information affects the most prosaic governmental services. Let's say you are a journalist or scholar or small businessman anxious to find out about the different civil rights bills now pending before Congress . . . Congress maintains a bill-tracking service that lists all these pending bills and their sponsors by computer, but to get that information most people would end up using Legislate, a service provided by *The Washington Post*. A professor in Brooklyn inquired about the cost of that service recently: \$9500 a year for an academic, and \$14,500 for businesses."

Ridgeway also mentions efforts in Congress to change the government's privatization of information that are supported by ALA, Public Citizen, and other groups that are pushing to create an inexpensive government system that would allow people to access online government databases through the Government Printing Office. ("Stormy Weather," *Village Voice*, June 11)

June 1991

U.S. Central Command chief Gen. H. Norman Schwarzkopf charged that battlefield damage assessments from national intelligence agencies during the Persian Gulf War were so hedged with qualifying remarks that they created serious confusion for commanders attempting to make wartime decisions. Schwarzkopf told the Senate Armed Services Committee on June 12 that battlefield damage assessment "was one of the major areas of confusion."

He also echoed the complaint of many field commanders during the war that intelligence was not relayed to senior officers on the ground in a timely, useful form. He recommended that "the intelligence community should be asked to come up with a system that will, in fact, be capable of delivering a real-time product to a theater commander when he requests that." Such problems were compounded by the inability of U.S. military services, especially the Navy and Air Force, to share intelligence information because of incompatible computer systems, Schwarzkopf said. ("Schwarzkopf: War Intelligence Flawed," *The Washington Post*, June 13)

June 1991

In an opinion piece in *The New York Times*, Charles Stith, president of the National Community Reinvestment Network,

urged defeat of two amendments in President Bush's banking reform bill. Stith maintained that amendments added by Rep. Paul Kanjorski (D-PA) would gut the Community Reinvestment Act. The "amendments would exempt 80 percent of the nation's banks from following the law's requirements. The amendments would restrict community groups' rights to challenge banks for noncompliance with the act, as well as reduce the number of banks required to report the home mortgage data that would help identify discriminatory lending patterns." Stith said that the Community Reinvestment Act "has been the only leverage poor communities and nonwhite communities possess to win a fair shake from banks Enforcement of the law is possible because banks are required to keep public records of their business." ("Killer Amendments In the Banking Bill," *The New York Times*, June 17)

June 1991

Ron Pollack, of the Families USA Foundation, charged that more than half of the elderly Americans living in poverty are paying for Medicare benefits they are entitled to receive without charge. According to Pollack, eligible individuals must apply to state agencies to get benefits to help pay for medical services and millions have failed to do so because the state and federal governments fail to notify them adequately.

Rep. Henry Waxman (D-CA), principal author of the 1988 and 1990 provisions that entitled the poor to have Medicaid pay their Medicare bills, said, "It's clear that the Social Security Administration, Health Care Financing Administration and states are not doing their job to get this information out to the elderly who are entitled to this help. We're going to try to push the Social Security Administration to send out notices with the checks and figure out some way to get these people enrolled." ("Many Elderly Missing Out on Medicaid Benefits," *The Washington Post*, June 18)

June 1991

The June 17 blast that killed six workers and injured 23 at a chemical plant in Charleston, S.C., was the latest in a series of fires, explosions and poison-gas leaks at refineries and chemical plants around the country. "Since October 1987, when a leak of hydrogen fluoride gas at a Marathon Oil refinery forced the evacuation of thousands in Texas City, Tex., the American petrochemical industry has endured one of the deadliest periods in its history, one that has baffled Government experts and alarmed company executives. The 12 worst

explosions have killed 79 people, injured 933 and caused roughly \$2 billion in damage."

Although some aspects of the explosion were reminiscent of previous accidents, there is no way to know if factors similar to the previous accidents could have contributed to the recent blast. "And there is not a Federal agency that compiles statistics and investigates every accident the way the National Transportation Safety Board does, for example, with air crashes. Although amendments to the Clean Air Act signed into law in 1990 established a Chemical Safety and Hazard Investigation Board, the White House has yet to appoint any members or provide funds." ("Petrochemical Disasters Raise Alarm in Industry," *The New York Times*, June 19)

June 1991

The Northrop Corporation has agreed to pay \$8 million to settle a lawsuit by two of its former employees who said the company falsified tests on parts for cruise missiles built for the Air Force. The settlement comes 16 months after Northrop pleaded guilty to federal criminal charges in the case filed in 1987 by Leo Barajas and Patricia Meyer, both employees at Northrop's plant in Pomona, Calif. They charged that Northrop and some of its executives had improperly tested guidance devices called flight data transmitters and had deliberately reported false results to the Air Force. ("Northrop Settles Workers' Suit on False Missile Tests for \$8 Million," *The New York Times*, June 25)

June 1991

The nation's next generation of badly needed weather satellites, designed by the National Aeronautics and Space Administration and built by aerospace contractors, are so riddled with defects that they may never be launched. According to federal weather officials, loss of coverage by these satellites could precipitate a national emergency, depriving forecasters of crucial coverage for tracking hurricanes, floods, and tornadoes. Only one U.S. weather satellite, the GOES-7, is positioned in geostationary orbit directly above the country, and its five-year lifespan normally would end early next year. NASA planned to launch new weather satellites in 1989. Known as GOES-NEXT, the \$1.1 billion program is \$500 million over budget and more than two years behind schedule. Two of five planned GOES-NEXT satellites have been completed.

GOES-NEXT is so flawed that it may not be launched in time to replace the aging GOES-7, National Weather Service officials said. John Knauss, head of the National Oceanic and Atmospheric Administration, which includes the National Weather Service, said he is so concerned he has ordered contingency plans to investigate building a simple satellite quickly or buying one from Japanese or European makers. Instead of GOES-NEXT, he said, the weather service is facing a "NO-GOES" scenario. Moreover, Knauss said, he is prepared to ask the Europeans to move one of their orbiting satellites closer to the eastern United States, which still would leave half of the country without continuous coverage. ("Crucial Weather Satellites May Be Too Flawed to Use," *The Washington Post*, June 28)

June 1991

Recently librarians in federal depository libraries have complained that the Office of Management and Budget Office is not making OMB circulars available through the Depository Library Program. OMB maintains that the circulars—which are key documents if the public is to understand federal regulations and requirements for public and private organizations—are for administrative purposes only, not subject to depository requirements. Now the public and libraries can get access to the circulars through an expensive electronic product available from the National Technical Information Service.

NTIS and Government Counselling Ltd., through a joint venture, have produced a CD-ROM containing OMB circulars, the Federal Acquisition Regulations, Defense Federal Acquisition Regulations, General Accounting Office decision synopses, and full-text of the General Services Administration Board of Contract Appeals decisions. The disk also contains public laws, federal information processing standards publications summaries, procurement and acquisition checklists, quarterly news bulletins, and a variety of commentaries to accompany the regulations.

The CD-ROM is available from NTIS as either a quarterly subscription or as a single disk containing the most recent quarter only. The subscription costs \$1,495. The most recent quarter only costs \$995. In the future, Government Counselling, Ltd. will incorporate agency-specific information acquired by NTIS with its proprietary product to create a series of custom CD-ROMs. ("New CD-ROM Makes Government-Wide Procurement Regs Easy to Find," *NTIS NewsLine*, Summer 1991)

July 1991

Publishers and executives of 17 news organizations, still concerned about press restrictions during the Persian Gulf War, told Defense Secretary Richard Cheney that independent reporting should be "the principal means of coverage" for all future U.S. military operations. In a late June letter, the news organizations said that combat pools—groups of reporters who are escorted by the military and share their dispatches with colleagues—should be used only for the first 24 to 36 hours of any deployment. In Saudi Arabia, military officials frequently detained reporters who attempted to operate outside such pools.

The media executives also sent Cheney a report providing fresh details of how military officials suppressed news, controlled interviews, limited press access, and delayed transmission of stories. Such restrictions "made it impossible for reporters and photographers to tell the public the full story of the war in a timely fashion," the letter said. "Moreover, we believe it is imperative that the gulf war not serve as a model for future coverage."

"We welcome these proposals," said Pentagon spokesman Pete Williams. He said Cheney "is eager to sit down and talk with members of this group . . . Nobody should get the impression that because we did it one way during the Persian Gulf War that it's going to be that way forever and ever." Williams said there were good reasons for the press restrictions in the gulf, but that "some things worked well and some didn't."

Among the items in the report were: 1) the Pentagon attempted "to use the press to disseminate disinformation," such as releasing plans for an amphibious assault against Iraq that was a ruse to mislead the Iraqis; 2) a *Newsweek* contributor, retired Army Col. David Hackworth, said that on one occasion "U.S. troops fixed bayonets and charged us;" and 3) two reporters were barred from a Marine unit after their escorts complained that they had asked questions forbidden by military guidelines. ("News Media Ask Freer Hand in Future Conflicts," *The Washington Post*, July 1)

July 1991

Columnists Jack Anderson and Dale Van Atta reported that congressional investigators are conducting an enormous probe into allegations that the pro-Iraqi tilt of the Reagan and Bush administrations allowed Iraq to buy technology that it later

used in weapons turned against U.S. troops. In one case they examined, the reporters said it appears "the Bush administration not only winked at the export of sensitive technology to Iraq but may have stopped legitimate law enforcement efforts to interdict the trade."

Central to the case is Bob Bickel, an engineering consultant and petroleum expert, who worked for about 20 years as an undercover informant for the U.S. Customs Service. In the course of Bickel's engineering work, he would keep Customs informed about what he thought were suspicious orders filled for foreign buyers. Bickel said he was hired in 1989 by a Houston firm to give advice to a foreign buyer on oil-related technology. The buyer turned out to be an Iraqi, and the technology Bickel was asked to buy included a phased-ray antenna system that could potentially be used in a missile tracking and guidance system. Bickel alerted the Customs contact with whom he had always worked.

A Customs investigation did not get very far. The Customs team sent inquiries to Washington, and Bickel let the Houston broker who had hired him know an investigation was underway into the Iraqi client. The broker's response was unexpected; he allegedly told Bickel and the Customs investigators that he was connected to the U.S. intelligence community.

It was not long before Bickel heard that Customs canceled the investigation. Bickel's contact in Customs called Washington and was told the State and Commerce departments were behind the decision. Some very important people did not want anyone nosing around the technology deal.

Anderson says congressional investigators believe the Iraqi buyer was working for Ishan Barbouti, an Iraqi arms dealer. Barbouti is suspected by U.S. intelligence agencies of having been a major player in the construction of a chemical weapons plant in Libya. He bankrolled at least four businesses in the United States that were producing materials that may have been sent secretly to Iraq for weapons use. Barbouti died mysteriously in London last July. ("How the U.S. Winked at Exports to Iraq," *The Washington Post*, July 8)

Census Bureau Director Barbara Everitt Bryant disagreed with Commerce Secretary Robert Mosbacher on virtually every element of his decision not to adjust the 1990 census to

compensate for an undercount. In a document citing strong evidence that the population of the United States is 5.3 million more than the 248 million counted in the census, Bryant wrote: "In my opinion, not adjusting would be denying that these 5 million persons exist. That denial would be a greater inaccuracy than any inaccuracies that adjustment may introduce."

On average, the accuracy of the census would be improved by a statistical adjustment, Bryant wrote in her advisory opinion, which was released by the Commerce Department along with other expert recommendations that went to Mosbacher in the weeks before his decision. Mosbacher announced he would rely on the results of the initial headcount, rather than figures drawn from a sample survey of more than 170,000 housing units, as the basis for redrawing political boundaries and distributing billions of federal dollars.

Mosbacher was criticized for his decision by Del. Eleanor Holmes Norton (D-DC), who said, "The decision is particularly harsh, even cruel, because it comes after more than 10 years of huge declines in federal support to cities." District officials have estimated that the city will lose millions of dollars in aid over the decade. They and others concede, however, that it is impossible to calculate accurately the fiscal impact of the decision, because many federal programs are capped and rely to different degrees on population data. ("Census Bureau Chief Disagreed With Mosbacher on Adjustments," *The Washington Post*, July 17)

[Ed. note: *The Washington Post* editorialized that Secretary of Commerce Mosbacher "was right to decide to stick to the actual number of people counted last year." The editorial said this intricate quarrel will now move back into the courtroom, where a judge will listen to the statisticians debate their differences. "If the country wants a more accurate census in the year 2000, the way to get it is not to embark on statistical massaging of disputed figures but to spend more money to collect better data in the first place." ("Census Accuracy," *The Washington Post*, July 17)]

July 1991

The former head of the CIA's Central American task force admitted in court he and other senior CIA officials were aware of the secret diversion of funds to the Contra rebels in Nicaragua for months before the scandal broke in the fall of 1986.

Alan Fiers acknowledged the agency's complicity in attempts to cover up the affair as he pleaded guilty in U.S. District Court in Washington to two misdemeanor counts of unlawfully withholding information from Congress. His pleas came as part of an agreement to cooperate fully with independent counsel Lawrence Walsh, who has been investigating the Iran-Contra scandal for 4 1/2 years.

Fiers said he willfully withheld information from Congress in the fall of 1986 both about the diversion of funds and about the secret Contra resupply operation that was being run out of the Reagan White House. As a result of those admissions and the prospect he will say more, other officials being investigated by Walsh for possible perjury charges may come under increasing pressure to disclose more than they have to date.

At the same time, investigators probing the unfolding investigation of the Bank of Credit and Commerce International told *Time* that the Iran-Contra affair is linked to the burgeoning bank scandal. Former government officials and other sources confirm that the CIA stashed money in a number of B.C.C.I. accounts that were used to finance covert operations; some of these funds went to the Contras. Investigators also say an intelligence unit of the U.S. defense establishment has used the bank to maintain a secret slush fund, possibly for financing unauthorized covert operations. ("The Cover-Up Begins to Crack," *Time*, July 22)

House Judiciary Committee Chairman Jack Brooks (D-TX) moved to subpoena Justice Department records to investigate allegations that the agency stole computer software from a private company, Inslaw Inc. The announcement came nearly a week after Attorney General Dick Thornburgh refused to testify before the Judiciary Committee. After Brooks' announcement, a Justice official said the department would provide the documents the committee sought for its investigation of the computer software allegations.

A bankruptcy judge in proceedings involving Inslaw Inc. found there was a conspiracy among Justice Department officials during the Reagan administration to steal the software from Inslaw, which went into bankruptcy protection after the agency withheld payments on its government contract. The software was a case-management system used by federal prosecutors.

The Judiciary Committee announcement also said Brooks planned to seek authority to subpoena a 1989 Justice legal opinion that gives the Federal Bureau of Investigation authority to seize fugitives overseas without permission of foreign governments. ("Brooks to Seek Justice Data," *The Washington Post*, July 25)

[Ed. note: See August 14 entry on same subject.]

August 1991

The General Accounting Office evaluated the quality of Environmental Protection Agency data that will be used to determine the need for mandatory hazardous waste minimization requirements. All the data quality problems GAO identified in its February 1990 report (PEMD-90-3) as likely to occur did occur. These problems included the system's inability to integrate data, uncertain data validity based on inappropriate measurement, and uncertain data reliability based on inadequate data collection methods. Some of these problems were so severe that EPA had to abandon all of the central analyses of waste minimization progress that the agency had originally planned to give to Congress.

Problems such as the extent of missing data were of special importance in negatively affecting the assessment of progress on hazardous waste minimization. These findings suggest that the information EPA presents to Congress will not be helpful in understanding the extent and determinants of waste minimization or in determining whether mandatory or other requirements may need to be included in the reauthorization of the Resource Conservation and Recovery Act. ("Waste Minimization: EPA Data Are Severely Flawed," GAO/PEMD-91-21, August 5, 9 pp.)

August 1991

An article by Spencer Rich stated that one of the most confusing incidents in the debate over the Medicare catastrophic benefits act of 1988, subsequently repealed, was the dispute over the cost of prescription drug benefits. The Congressional Budget Office originally projected the drug benefit would cost the government \$6 billion from 1990 to 1994 and require the elderly to pay \$8 billion in insurance. But revised estimates later put the figures at \$12 billion for the government and \$9 billion for the elderly.

A new study from a National Research Council panel headed by Eric Hanushek of the University of Rochester explains the reason for the huge jumps in both figures: The only available

estimates on prescription drug use at the time the bill was passed were ten years old. The CBO initially had to rely on drug-use figures from 1977-80. A subsequent 1987 survey showed that prescription drug use had grown much faster than the earlier figures had suggested.

This example is one of a number cited in the study, which concluded that bad statistics and inadequate information have led to major miscalculations in the formulation of federal policy. The study notes that the government has been cutting funds for developing the statistics that would enable Congress and the White House to understand better what impact new legislation is likely to have on spending and tax policy.

The article cites other examples of poor data about Individual Retirement Accounts, the Consumer Price Index, and the Current Population Survey. For example, during the late 1970s and 1980s, the report says "the consumer price index overstated the rise in the cost of living by some 1-2 percent a year, with serious consequences for wage escalation and overadjustment of Social Security and other federal entitlements." At least 80 million people were affected, and every one percent error cost the government at least \$4.6 billion a year in extra payments or lost tax revenue. ("Bad Statistics Cited in Policy Miscalculations," *The Washington Post*, August 6)

After Rep. Frank Wolf (R-VA) met with two officials of the Central Intelligence Agency, the CIA said it will include a consultant's reasons against moving as many as 3,000 employees to West Virginia in a report that previously had been censored. The agency agreed to return some of the information to a version of the report prepared for public release. Wolf is one of several Washington, D.C., area legislators trying to thwart an attempt by Sen. Robert Byrd (D-WV) to transfer thousands of CIA employees from offices in Northern Virginia to Jefferson County, W.Va.

Wolf complained that the CIA was not making public the reasons against moving to West Virginia. The reasons were contained in a report released to the House Intelligence Committee, but were edited from the version made available to the public. How much information the agency will put back in is unclear. "It is our view that to release the study in its entirety would jeopardize the government in its negotiations," said

CIA spokesman Mark Mansfield. Mansfield said the information withheld from the report contained analyses of the advantages and disadvantages of each parcel at four sites that the agency is considering. The edited information also contains estimates of the land costs to the government and financial analyses of the cost to develop the sites.

Wolf said parts of the report stated that West Virginia should be eliminated as a site because of a lack of highways in the area, because commutes would be too long for workers now living in the Washington, D.C., area, and because the move would cause some key employees to resign. Wolf questioned the need for secrecy, noting, "This is not a covert operation. They are not talking about mining the harbors of Nicaragua. They are talking about purchasing land for a building." ("CIA Will Disclose More on W.Va. Site," *The Washington Post*, August 14)

August 1991

After the confrontation between House Judiciary Committee Chairman Jack Brooks (D-TX) and the Justice Department about a controversial 1989 Justice Department opinion about U.S. authority to act overseas, Justice officials sought to negotiate a compromise that would include permitting some members of the Judiciary Committee to review the opinion without publicly releasing a copy. However, a copy of the opinion was obtained by the *Washington Post*.

The opinion concluded that "serious threats" to U.S. domestic security from "international terrorist groups and narcotics traffickers" would justify the President to violate international law by ordering abduction of fugitives overseas. It asserts that the President and Attorney General have "inherent constitutional power" to order a wide range of law enforcement actions in foreign countries without the consent of foreign governments, even if they violate international treaties. It also argues that "as a matter of domestic law, the executive has the power to authorize actions inconsistent" with United Nations charter provisions barring use of force against member nations. Such decisions "are fundamentally political questions," the opinion states, and therefore do not constrain the chief executive in fulfilling his law enforcement responsibilities.

The opinion from the Office of Legal Counsel, written by then-Assistant and now Attorney General William P. Barr, has been at the center of controversy for nearly two years. Along with

a later opinion concluding that the U.S. military could make arrests overseas, it was relied on by Bush administration officials in launching the December 1989 invasion of Panama. But critics have charged that it amounts to a dangerous expansion of Justice Department authority overseas in violation of international law.

Justice Department officials have consistently refused to release the June 21, 1989, opinion, contending that its public dissemination would inhibit department lawyers writing internal opinions. They said it also had the potential to harm the government's position in pending cases, including the trial of ex-Panamanian dictator Gen. Manuel Antonio Noriega, by giving defense lawyers ideas about possible weaknesses in the government's arguments. ("U.S. 'Power' on Abductions Detailed," *The Washington Post*, August 14)

August 1991

Two examples of less government information being made available to the American people were contained in a letter to the editor of the *New York Times*. Ernest B. Dane of Great Falls, Va., cited the annual report to Congress of the Secretary of Defense, which for many years served as a virtual public encyclopedia of data about the defense establishment, and its equipment and cost to the taxpayer. However, for the last two years the report has been revised to exclude most details needed for real understanding of national security issues.

Dane cited a second example of the Office of Management and Budget midsession review of the budget, issued annually on July 15. "This year, the review omitted data showing interest on the public debt. The amount of that interest, now estimated at more than \$327 billion for 1993, might seem embarrassing, but it should nevertheless be published." ("Using Cost-Cutting to Limit Public Data," *The New York Times*, August 14)

August 1991

President Bush signed a bill on covert operations intended to close a loophole blamed for the Iran-Contra scandal. But he made it clear that he would use his own discretion on whether to follow the law's tighter requirements on notifying Congress about secret intelligence operations abroad. Bush protested the inclusion of the first legal definition of "covert action," which he said was unnecessary and infringed on the constitutional powers of the Presidency. The legislation requires the President to provide written approval of covert

activities conducted by any federal agency and bans retroactive approval of such operations by the President.

During the Iran-Contra affair, former President Ronald Reagan skirted the Intelligence Oversight Act of 1980, which requires the President to give "prior notice" of all covert activities to the two congressional intelligence committees or to give notice "in a timely fashion" if emergency actions are necessary. He also signed an order that retroactively authorized arms sales to Iran, and he did not inform Congress of the two actions for a year. ("Covert-Disclosure Bill Is Signed by President," *The New York Times*, August 16)

August 1991

The General Accounting Office looked into the removal of government documents during the Reagan administration by the last two agency heads at the Departments of Defense, Justice, State, and Treasury. It discovered that records of departing agency heads were not controlled by the National Archives and Records Administration, as is done for departing presidents. All eight of the former agency heads removed documents when they left office, and two of the four agencies did not know if records had been removed. Agencies were unaware of classified material in two removed collections and failed to ensure that required security restrictions were followed for a significant amount of classified material in a third collection removed to a private business.

Additionally, at least half of the collections contained original documents agencies did not know had been removed. As a result, GAO believes official records possibly also were removed. Once documents are moved, the government's access to them is not ensured—as evidenced by GAO's being denied access to three of the eight collections. GAO concluded that current internal controls do not adequately ensure that government records and information are properly protected because no independent review of documents is made before they are removed. GAO believes the National Archives and Records Administration should oversee plans by agency heads to remove documents and determine whether their relinquishment and removal are consistent with federal laws and regulations. ("Federal Records: Document Removal by Agency Heads Needs Independent Oversight," GAO/GGD-91-117, August 30, 35 pp.)

[Ed. note: *The Washington Post* included a story about this GAO report in a September 24 article, "Leaving Town With the Records." The article mentions that the three who would not allow GAO investigators access to records they had taken were former Secretary of Defense Caspar Weinberger, former Secretary of State Alexander Haig, and former Secretary of the Treasury Donald Regan.]

September 1991 Government studies of the health risks from hazardous wastes at nearly 1,000 Superfund cleanup sites were "seriously deficient," the General Accounting Office reported. The health assessments, which the Agency for Toxic Substances and Disease Registry was required by law to perform under a tight deadline, "generally have not been useful" to the Environmental Protection Agency and others supervising the cleanups, the GAO said in a report to Congress. "Because ATSDR health assessments have not fully evaluated the health risks of many Superfund sites, communities have not been adequately informed about possible health effects," the GAO said.

The Superfund program was established to identify the nation's worst hazardous waste problems and make sure they were cleaned up. Superfund amendments in 1986 gave ATSDR responsibility for looking into the dangers to human health at each site on the national priority list. The agency, which reports to the Department of Health and Human Services, was so rushed that for 165 Superfund sites, it simply found documents already prepared for other reasons and called them health assessments.

For example, the agency took a 1984 review by the Centers for Disease Control of a Massachusetts Health Department cancer mortality study and called it a health assessment of a site at New Bedford, Mass., even though the site was not mentioned. For more recent assessments, the agency has improved its work by visiting all the sites and contacting state or local health officials, the GAO report said. (" 'Superfund' Studies Called Deficient," *The Washington Post*, September 4)

September 1991 According to Jack Anderson, the Nuclear Regulatory Commission has proposed regulations that would permit radioactive wastes to be recycled into consumer goods such as toys, belt buckles, cosmetics, shotgun shells, fishing lures and frying pans. Anderson said: "Consumers will not find a surgeon

general's warning on these products. That's because the NRC has no plans to mandate labeling."

The policy was put on hold after creating a firestorm, but if ultimately implemented, the United States would allow levels of radiation that are ten times those suggested by international standards. An NRC spokesperson said: "We do not take actions that do not protect public health and safety." But an internal briefing paper from the Environmental Protection Agency painted a different picture: "We believe this is . . . not protective of the public health."

The nuclear power industry clamored for this change and, by some estimates, stands to save up to \$100 million each year from this cheaper form of waste disposal. The Nuclear Information and Resource Service, a public interest group, estimates the savings would be \$1 per year per utility customer.

The NRC adopted the controversial policy in June 1990 when it raised the level of certain less dangerous forms of radiation to which humans could be subjected, abdicating any regulatory oversight for lower levels. Under the policy, about 30 percent of the nation's low-level radioactive waste could be disposed of in a variety of common outlets, including sewer systems, incinerators, and ordinary landfills where it could seep into drinking water sources. Radioactive waste also, for the first time, would be allowed as recycled material in consumer products. ("No Child's Play in Recycled Waste," *The Washington Post*, September 9)

September 1991 The U.S. Geological Survey's Water Resources Scientific Information Center announced that monthly issues of *Selected Water Resources Abstracts* (SWRA) will cease with the December 1991 issue. The 1991 annual indexes will not be printed at all. The Geological Survey cited budget exigencies and the wide range of commercial sources which provide access to SWRA as reasons for discontinuing the printed publication. Magnetic tapes can be leased from the National Technical Information Service. The SWRA database of 235,000 abstracts is available online via DIALOG and the European Space Agency Information Retrieval Services.

A CD-ROM version of the SWRA is available from several vendors: the National Information Services Corporation charges

\$595 a year; the OCLC version costs \$750 a year to nonmembers, \$700 for members. Since no government agency is producing the CD-ROM version of the SWRA, it will no longer be available to federal depository libraries where the public would have no-fee access to it. ("Selected Water Resources Abstracts Will Cease Publication," *Administrative Notes*, U.S. Government Printing Office, September 15)

September 1991 An article by Barry Meier highlighted criticism of the Consumer Product Safety Commission in its role as watchdog of the safety of all consumer products other than cars, boats, drugs, and food. One of the agency's most contentious issues concerns how it discloses information involving hazards. Under its rules, the agency must give a manufacturer a chance to review and dispute any data about a product. The Consumer Product Safety Commission is the only safety agency that operates under such restrictions. Congress, in 1981, also prohibited the agency from releasing any data about product hazards that manufacturers are obliged to report to the commission. As a result, preliminary determinations about product hazards are no longer placed in a public reading room at the agency, said Alan Schoem, a commission lawyer.

Thus, it may be years before the public hears of suspect products. In November 1989, the Consumer Product Safety Commission determined that a popular portable heater might pose a fire risk. But it did not alert the public until August 1991, after the manufacturer agreed to fix 3.6 million units. In those 21 months, while the agency and company investigated and negotiated, eight people died in two fires that may have been started by faulty wiring in the heaters, said David Fonvielle, a lawyer in Tallahassee, Fla., for plaintiffs in some of the cases. The manufacturer said the units caused no fires.

Several other issues, including proposals that disposable lighters should be made childproof and ride-on lawn mowers made less liable to tip, have been unresolved for six years or more. Some CPSC problems appear traceable to its limited resources and slow processes. The FY 1991 agency budget was \$37 million, down from \$43.9 million in 1979. The agency's success in reducing product-related injuries has slowed. The rate of injuries per 100,000 Americans declined by 24 percent from 1978 to 1982, but between 1982 and 1988 that decline was only nine percent, commission data show. ("Product Safety

Commission Is Criticized as Too Slow to Act," *The New York Times*, September 21)

September 1991 At the insistence of former President Ronald Reagan, 6.3 million pages of White House documents will be made public shortly after the opening of his presidential library on November 4. Stung by earlier press reports about a planned three-year restriction on release of all documents, Reagan urged his staff to do everything possible to make some documents available at the library opening, his aides said.

In a letter to National Archivist Donald Wilson, Reagan waived a 12-year delay on the release of 1.5 million pages of selected presidential records covering routine position papers and offering factual information on issues ranging from agriculture to highways and bridges. Reagan also asked that the archives open up an estimated 4.8 million pages of get-well cards, birthday greetings, and other unsolicited letters.

The remainder of the library's storehouse of 55 million pages of presidential documents—including all Iran-Contra documents—will remain shielded from public view for a decade or more by a variety of restrictions to protect national security, foreign policy, and confidentiality. ("Reagan Library Set to Release Private Papers," *The Washington Post*, September 25)

September 1991 A lobbying disclosure law is so riddled with exemptions that six big military contractors which spent \$5.7 million lobbying the executive branch and Congress last year only reported \$3,547, according to investigators for the Senate subcommittee on oversight of government management. Sen. Carl Levin (D-MI) chairs the subcommittee which held a hearing on September 25 to discuss the weaknesses of the lobbying disclosure laws, such as the 1989 Byrd Amendment that requires disclosure by contractors.

In a statement, Sen. Levin said: "Disclosure under the Byrd Amendment is almost non-existent, and it's not because there's so little lobbying. Instead, there's a real problem with the way this law has been interpreted, applied and also studiously avoided." A Pentagon inspector general's survey found that lobbying by 100-plus consultants was not disclosed because of the way contractors interpreted the Byrd Amendment. Their reading of the law was backed by the Defense Department and the Office of Management and Budget. ("Senate Panel

Looks at Military Lobbying Law," *The New York Times*, September 26)

September 1991 Proposals by the Food and Drug Administration to improve nutrition labeling on food and drink have been overruled and weakened by the Office of Management and Budget, a consumer-advocacy group alleged. The Center for Science in the Public Interest released documents it obtained showing that some FDA proposals to implement the Nutrition Labeling and Education Act of 1990 were "substantially changed" by OMB. In the opinion of CSPI, the changes favor the interests of manufacturers and retailers.

However, an FDA spokesman said the changes were not significant and that the consumer group had exaggerated the issue. An OMB spokesman said nothing was forced on the FDA, which had agreed to the changes. According to CSPI, the changes would reduce by about 7,000 the number of grocery stores required to post nutrition information for fresh produce and seafood. "The net effect is that the consumer is less likely to see nutritional information than they would under FDA proposals," said Bruce Silverglade, CSPI director of legal affairs.

The FDA had also proposed that the manufacturers of diluted "fruit drinks" use a standard procedure to determine the percentage of real juice in their product—a figure given on the label. This test will be used by the FDA in any enforcement actions, but the OMB would allow manufacturers to use any test they want. "This leaves juice manufacturers free to use whatever test gives them the highest number for juice content," Silverglade said. In addition, the consumer group claims, citing FDA sources, that OMB is delaying approval of a study to test new nutrition labeling formats intended to help consumers better understand what is in their food.

In a separate move, Rep. John Conyers (D-MI), chairman of the House Government Operations Committee, wrote to the director of OMB demanding information on the OMB review of the FDA proposals. Conyers said OMB's revision "appears to subvert congressional intent as expressed in laws to protect public health and safety." Conyers said the OMB has, in the past, "forced the FDA" to weaken regulations governing health claims on some food. ("OMB Accused of Weakening

Food-Labeling Proposals," *The Washington Post*, September 26)

[Ed. note: See November 6 entry for follow-up article.]

September 1991 Judge Harold Greene ruled that a confidentiality clause in federal health research contracts, which bars private researchers from publishing their preliminary findings, violates the First Amendment. The ruling comes in the same controversial area of the law that the Supreme Court addressed last May when it upheld a ban on federal funding for public clinics that give abortion counseling. At issue in that case, *Rust v. Sullivan*, and in the current case involving Stanford University was the same question: How much can government limit speech it is paying for?

Greene distinguished his ruling from *Rust*, saying the earlier case involved the government's right to see that public money is spent the way Congress intended. But in the case involving Stanford University, he ruled that the government was directly limiting the rights of scientists to talk about their work. "Few large-scale endeavors are today not supported, directly or indirectly, by government funds," Green wrote. "If [*Rust v. Sullivan*] were to be given the scope and breadth defendants advocate in this case, the result would be an invitation to government censorship wherever public funds flow."

At issue was a dispute between Stanford and the National Institutes for Health over a \$1.5 million contract to do research on an artificial heart device known as the left ventricular assist device. The NIH contract included a clause in the contract barring Stanford scientists from discussing "preliminary" research results or data that had "the possibility of adverse effects on the public." Stanford objected, saying the clause violated its First Amendment rights, as well as the tradition of academic freedom among scientists to discuss their work. Such confidentiality clauses have become common in NIH contracts in the past 15 years and usually are invoked in research involving clinical trials going on simultaneously at different universities. ("Federal Judge Rules NIH Research Confidentiality Clause Invalid," *The Washington Post*, September 27)

October 1991 A former top Central Intelligence Agency official testified in Senate confirmation hearings that in the 1980s, the CIA was a politicized cauldron in which estimates were slanted

and false information was presented to the White House to match the policy objectives of the agency's director, William Casey. The testimony was presented by Melvin Goodman, a professor at the National War College who worked as a Soviet affairs specialist at the CIA for 24 years, to the Senate Select Committee on Intelligence, which was considering the nomination of Gates to direct the CIA. According to Goodman, Gates was Casey's chief agent inside the CIA intimidating analysts into producing slanted reports—especially on Iran, Nicaragua and Afghanistan. However, another former top CIA official, Graham Fuller, told the senators that Goodman had presented "serious distortions."

The Senate committee made public the testimony by another CIA veteran, Harold Ford, who said Gates failed to take seriously the decline of communism and had offered memory lapses to the Senate committee that were "clever." Ford cited a key analysis he said overstated the depth of Soviet influence in Iran at a time when U.S. arms sales were being justified as a counterbalance to Moscow's influence with Tehran. ("Ex-Aide Calls CIA Under Casey and Gates Corrupt and Slanted," *International Herald Tribune*, October 2)

[Ed. note: See following entry.]

October 1991

Robert Gates vigorously denied he had exerted pressure on agency analysts to distort Central Intelligence Agency reports. He acknowledged that in a "rough and tumble" CIA atmosphere during the 1980s, embittered and inflexible analysts perceived such political pressure. "I never distorted intelligence to support policy or please a policy-maker," Gates said in testimony to the Senate Intelligence Committee, which was considering his nomination to direct the CIA. Gates drew on freshly declassified CIA memos to present a counterattack against damaging charges by current and former CIA officials that he slanted CIA analyses to suit White House policy objectives and those of William Casey, then the agency's director. ("Gates Tells Panel He Didn't Order Data to Be Slanted," *International Herald Tribune*, October 4)

October 1991

During the debate on the conference report on HR 1415, the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, Sen. Jesse Helms (R-NC), ranking minority member of the Senate Foreign Relations Committee, discussed classification of government information. He observed: "One of the

handiest tools used by executive branch agencies to keep Congress in the dark . . . , is needless classification of documents. Proper classification of matter relating to vital national security concerns of the United States have my full support. But classification that covers up information that might merely prove to be an embarrassment is inexcusable." (October 4 *Congressional Record*, p. S14439)

October 1991

The owner and publisher of the *Santa Fe New Mexican*, Robert McKinney, fired its managing editor and criticized a series of articles detailing safety and environmental hazards at Los Alamos National Laboratory, the largest employer in the Santa Fe area. The series contained 32 articles published during six days in February 1991. The series, based in part on documents obtained under the Freedom of Information Act, stated that cleaning up 1,800 sites of possible contamination near Los Alamos would cost \$2 billion over a 20-year period. The articles further stated that the lab releases large amounts of chemical and radioactive contamination into the environment daily, although the risk to public health is slight to nonexistent.

Lab officials did not cite inaccuracies in the series or ask for corrections. But the *New Mexican* published critical opinion pieces by Siegfried Hecker, director of Los Alamos, and former director Harold Agnew. "Any activity creates wastes," Agnew wrote. "Making a dinner salad, baking a pie Nuclear wastes are no more dangerous than many other wastes." In late August, Los Alamos released a 308-page internal evaluation highly critical of its failure to comply with safety and environmental regulations, essentially confirming much of what had been in the paper's February series. ("After Nuclear Series, Paper Melts Down," *The Washington Post*, October 5)

October 1991

In 1985, at the midway point of the worldwide campaign to raise childhood immunization rates fourfold to 80 percent, public health officials in the United States stopped counting. As a result, the United States is the only country in the world that has no official figures on immunization rates of 1- or 2-year-olds. The official explanation was that data collection was costly and the methodology was suspect, but critics contended that the Reagan administration was embarrassed by the contrast between improving immunization rates throughout the Third World and five consecutive years of decline in the United States. Even without comprehensive data, problems are evident. Nearly 28,000 cases of measles were re-

ported in 1990—more than 18 times the number reported in 1983, when the disease reached an all-time low, and more than 50 times the goal of 500 cases per year that the U.S. surgeon general had set for 1990. Nearly half the measles patients were under age five. In the wake of the measles outbreak, the government has begun to collect immunization data again.

The measles epidemic, along with outbreaks of rubella and whooping cough, has sparked a debate about whether supply or demand is the problem. The supply-siders hold that federal and state funding has not kept pace with a thirteenfold rise in the cost of the vaccines during the past decade. According to a survey last year by the Children's Defense Fund and the National Association of Community Health Clinics, 72 percent of public health clinics experienced spot shortages of vaccines. The demand-side holds that, while there are access problems, the real barrier is a mix of complacency and poverty. To combat the problem, the administration has called for a \$40 million increase in immunization funding for this year; Congress is considering a \$60 million to \$80 million increase. ("U.S. Immunization Rates Uncertain," *The Washington Post*, October 9)

October 1991

The fight to gain release of the adjusted 1990 census figures has expanded to include states and the House of Representatives, with Rep. Thomas Sawyer (D-OH) saying he will seek a subpoena of the count from the Commerce Department if necessary. At least five state legislatures have filed Freedom of Information Act requests, arguing that they need to see the adjusted count to determine which set of figures—the official census number of those adjusted to compensate for an undercount—should be used to redraw political boundaries. Sawyer maintains that public access to the data is a matter of fairness: "The American people ought to be able to see and evaluate those numbers. They belong to the American taxpayer, who paid about \$35 million to generate those numbers."

Commerce Secretary Robert Mosbacher has refused all requests to make public the adjusted figures, saying the numbers were flawed and their release could disrupt the redistricting process going on across the country. Sawyer said Mosbacher's refusal to adjust the census or even make public the adjusted counts "has left state legislatures all over the country

struggling with large and demonstrably disproportionate undercounts of minorities." ("Adjusted Census Figures Subject of Wider Fight," *The Washington Post*, October 17)

October 1991

The White House Council on Competitiveness, a regulatory review panel chaired by Vice President Dan Quayle, has refused to turn over documents to several congressional committees seeking to determine the council's role in federal rule-making. Critics of the Vice President's council assert that it has become a "super-regulatory" agency beholden to business interests, revising regulations after they are written by the designated agencies. The White House maintains that the council is simply an arm of the President's executive office and as such has all the power to review and suggest regulations that the President gives it. The council has claimed executive privilege to fend off requests for information on its deliberations.

Sen. John Glenn (D-OH), chair of the Senate Governmental Affairs Committee, commented that presidential regulatory review is a "process cloaked by mystery and secrecy and encourages the representation of interests that may unfairly influence agency rule making." ("Questions on Role of Quayle Council," *The New York Times*, October 19)

October 1991

The National Research Council reported that the nation's mammoth program to clear up toxic waste was hampered by the inability to tell the difference between dumps posing a real threat to human health and those that do not. The research council, an arm of the National Academy of Sciences, said that because not enough money was spent on developing a sound scientific system for setting priorities, the nation faced the prospect of wasting billions of dollars on dumps that posed little or no risk and ignoring dumps that were a true threat to the environment and public health.

In addition to criticizing weaknesses in the management of the Superfund program, the report's recommendations are equally applicable to even more expensive cleanup programs managed and paid for by the Department of Energy and the Department of Defense. The two departments are spending more than \$6 billion this fiscal year on cleaning up toxic chemical and radioactive waste sites. "We shouldn't be making decisions on spending billions of dollars out of ignorance," said Dr. Thomas Chalmers of the Department of Veterans Affairs in

Boston, Mass., a member of the committee that prepared the report. "We need much more data to determine which sites ought to be pursued and we need to set up a better system of evaluating risks." ("U.S. Said to Lack Data on Threat Posed by Hazardous Waste Sites," *The New York Times*, October 22)

November 1991 House Democrats accused Interior Secretary Manuel Lujan Jr. of manipulating the conclusions of a report to Congress that favored development of a geothermal energy plant near Yellowstone National Park, by failing to tell them that the National Park Service had dissented vigorously. Yellowstone's geysers are powered by a vast reservoir of underground heat, a resource developers would like to tap.

The report, compiled primarily by the U.S. Geological Survey, concluded that small-scale geothermal development, such as that planned just outside Yellowstone's border by the Church Universal and Triumphant, would pose little risk to the geysers and hot springs that have made Yellowstone a worldwide attraction. However, Lujan did not give Congress a companion report by the Park Service which argued that any such development could threaten the park. ("Manipulation Charged on Yellowstone Report," *The Washington Post*, November 1)

November 1991 Janet Norwood, commissioner of the Bureau of Labor Statistics, testified before the Joint Economic Committee that the Bush administration is studying new jobs data some economists said could mean the government has underestimated the depth of the recession and prospects for recovery. Norwood's comments appeared to provide the first official federal backing for concerns expressed recently by economists from some state governments that the BLS estimates earlier this year of employment and payroll figures were far too optimistic.

Norwood told the committee that the BLS is studying the states' data, and the result could be a lowering of first quarter 1991 employment figures and payroll estimates. Payroll data collected by state governments show a far weaker job market than the BLS estimate, and, if the states' counts hold up, they could lower the BLS estimates of employed people by at least 650,000, she said. The BLS numbers are given to the Department of Commerce, where they are plugged into the government's national economic accounts. While a decline in the payroll numbers does not necessarily mean a decline in

the gross national product, it means that "the GNP has been a whole lot weaker than anyone thought," according to a senior congressional economist. ("Federal Jobs Data Called Too Optimistic," *The Washington Post*, November 2)

November 1991 There was a pattern of delay or denial affecting nearly every family that lost a serviceman to "friendly fire" in the Persian Gulf War, according to an investigation by the *Washington Post*. The Army, in particular, broke its own rules by concealing basic facts for months from the next of kin, and its efforts to postpone disclosure often led it to stretch the truth. Some families never suspected. Others found out through news reports or enlisted friends of the dead men. Some heard only rumors and begged for details. Still others, including all the Marine families, learned informally that a "friendly fire" investigation was underway. All had to wait months for the final word.

Senior officers, in interviews, denied that any family had been deceived. They said the delay in informing families was for the families' own good, in order to verify all the facts and synchronize public release of the findings. The families, almost unanimously, replied they were entitled to the truth—as much as the services knew, as soon as they knew it.

Military documents obtained through the Freedom of Information Act, together with interviews with Defense Department officials and the families of 21 "friendly fire" casualties, indicated that local commanders had clear evidence of "friendly fire" in 33 of the 35 cases by the end of March, but an inter-service agreement withheld that information from the families until August. Of 148 U.S. battle deaths in the war, 35 were inflicted inadvertently by U.S. troops. The article contains many specifics about the experience of several families. (" 'Friendly Fire' Reports: A Pattern of Delay, Denial," *The Washington Post*, November 5)

[Ed. note: In a November 5 hearing before the Senate Select Committee on POW-MIA Affairs, Secretary of Defense Richard Cheney defended the delays in information about "friendly fire" deaths as "just a normal, natural part of the process." ("Casualty Report Delay Called 'Normal'," *The Washington Post*, November 6)]

November 1991

November 1991 In a move likely to provide more access to information, the Food and Drug Administration and the Agriculture Department proposed the most sweeping set of new food labeling regulations in U.S. history. The proposed guidelines will extend nutrition labeling to all processed foods, force a far more complete listing of ingredients, and standardize what previously had been a byzantine set of regulations on health claims by food manufacturers. The rules, which are open for comment and will be finalized at the end of 1992, are intended to make it easier for consumers to cut through what Health and Human Services Secretary Louis Sullivan has called the "Tower of Babel" in supermarkets and identify the most healthful foods. ("Food Label Reforms to Be Unveiled," *The Washington Post*, November 6)

November 1991 Former Assistant Secretary of State Elliott Abrams pleaded guilty in federal court to two charges of illegally withholding information from Congress about covert U.S. support for the Contra rebels in Nicaragua. The only State Department official to face criminal charges thus far for covering up key aspects of the Iran-Contra affair, Abrams admitted testifying untruthfully before two congressional committees in October 1986, within a fortnight of the crash of a Contra resupply plane in Nicaragua.

Among the details he held back, Abrams said, was that he had solicited a \$10 million contribution from the Sultan of Brunei and had been informed by State Department cable that the money was on its way to a Swiss bank account. In entering the misdemeanor pleas, Abrams averted the threat of felony charges and agreed to cooperate with independent counsel Lawrence Walsh in the final stages of Walsh's investigation of the Iran-Contra scandal. ("Abrams Pleads Guilty in Iran-Contra Affair," *The Washington Post*, November 8)

November 1991 In late October, James McConnell, Securities and Exchange Commission executive director, stopped distribution of the September/October edition of *SEC Employee News*, which had already been printed. McConnell believed an article critical about "tension around race and gender" within the agency was based on insufficient research and thus was unfair, according to Jessica Kole, special counsel to the executive director. Sexual harassment issues emerged as a major problem for the agency three years ago.

McConnell's decision disturbed some SEC employees, sources said, because recent events indicated to them that serious problems at the agency persist. The agency has been under court order to stop sexual harassment and discrimination since 1988, when it lost a sexual harassment case involving employees in its now-defunct Washington, D.C., regional office. The newsletter article, by SEC equal employment opportunity specialist Janis Belk, said there were numerous concerns in the SEC's regional offices about the handling of racial and gender issues. ("SEC Blocks Newsletter Containing Article on Gender, Racial Issues," *The Washington Post*, November 8)

November 1991 An advisory panel told the Food and Drug Administration that silicone-gel breast implants should continue to be available for all women, despite an "appalling" lack of information on the safety of the devices and their effects on long-term health. The panel voted against approving silicone implants made by four manufacturers, but agreed the devices should stay on the market under the same status they have always had while the manufacturers conduct additional research on women who have the devices. The panel also said the FDA should see that women contemplating implant surgery are given more detailed information about the risks and benefits.

Panel members prodded the FDA to demand that the manufacturers quickly produce more detailed studies of the rate of rupture, the amount of silicone—a synthetic polymer—that leaks from the devices, and the long-term effects of chronic seepage, which some have suggested could cause cancer or other illnesses. Breast implants have been on the market for more than 30 years, and more than two million women have them. But because the devices came on the market before the FDA gained authority to regulate medical devices, the agency has never evaluated their safety or effectiveness.

FDA Commissioner David Kessler said the "FDA will make sure the data is collected, and collected expeditiously." Several panel members, however, said they had been disappointed in the past, when FDA failed in 1982 and 1988 to push the manufacturers to produce more detailed studies. The companies that sought approval for their implants were Dow Corning Wright, Mentor Corp., McGhan Medical Corp., and Bioplasty Inc. Several other manufacturers had been asked to submit safety data to the panel; but rather than comply, they

dropped out of the business. "Companies can't say these devices are perfectly safe any more because we now see there isn't enough evidence to establish that," said Sidney Wolfe, director of Public Citizen's Health Research Group. ("Breast Implants Allowed," *The Washington Post*, November 15)

November 1991 Acting outside the Constitution in the early 1980s, a secret federal agency established a line of succession to the Presidency to assure continued government in the event of a devastating nuclear attack, current and former United States officials said. The officials refused to discuss details of the plan, the existence of which was disclosed in a television program on the Cable News Network. The CNN report said that if all 17 legal successors to the President were incapacitated, nonelected officials would assume office in extreme emergencies.

The secret agency, the National Program Office, was created by former President Ronald Reagan in 1982 to expand the list of successors and a network of bunkers, aircraft, and mobile command centers to ensure that the government continued to function in a nuclear war and afterward. Oliver North, then a Marine lieutenant colonel and an aide on the National Security Council, was a central figure in establishing the secret program, CNN said.

The CNN report also said the United States had spent more than \$8 billion on the National Program Office since 1982, much of the money on advanced communications equipment designed to survive a nuclear blast. The communications systems were technically flawed, however, and prevented the State Department, Defense Department, Central Intelligence Agency, and Federal Emergency Management Agency from being able to "talk to each other," according to CNN.

Administration officials refused to discuss the secret succession plan or the National Program Office. A leading constitutional scholar who appeared on the CNN broadcast, Prof. William Van Alstyne of Duke University, said the very secrecy surrounding the plan could undermine its credibility if it ever had to be put into effect. Who, he asked, would believe an obscure figure claiming to be President under a top-secret plan no one had ever heard of? ("Presidents' Plan to Name Successors Skirted Law," *The New York Times*, November 18)

December 1991 In June 1989, the FBI raided the Energy Department Rocky Flats plutonium plant to check reports that workers were burning hazardous waste in an illegal incinerator and violating other environmental laws. Prosecutors, the FBI, and Rocky Flats managers have said little about the progress of the investigation, and no one has been indicted. Most of what is known about the case is coming from Karen Pitts and Jacqueline Brever, who have charged in a lawsuit that Rocky Flats officials and supervisors often disregarded safety rules and harassed the two women for talking to federal investigators.

Pitts and Brever left Rocky Flats in April 1991. Officially they resigned, but they charge in their lawsuit that 19 individuals mistreated and harassed them. Also named as defendants are EG&G Inc., the Energy Department's principal Rocky Flats contractor, and its predecessor, Rockwell International Corp. The Energy Department is not a defendant.

The two women, key witnesses in the 2 1/2-year investigation into alleged illegal activities at Rocky Flats, are telling their stories at public meetings and on radio talk shows, in newspaper and network interviews. They tell of routine safety violations, management indifference to potential disasters, and intimidation of workers who raised questions, and they have become the focus of public debate about the long-running investigation at the troubled plant. ("2 Women at Rocky Flats Plant Tell of Intimidation, Safety Violations," *The Washington Post*, December 28)

December 1991 In a switch on the problem of less access to government information, a Tampa firm is claiming "instant access" to a wide range of "confidential" computer data, including government data. For fees ranging from \$5 to \$175, Nationwide Electronic Tracking, or NET, promised it could provide customers with data on virtually anyone in the country—private credit reports, business histories, driver's license records, even personal Social Security records and criminal history background.

NET may seem like a boon to companies trying to check out job applicants or even homeowners suspicious of their new neighbor. But some federal officials say it also was evidence of a growing computer-age menace—the fledgling "information broker" industry that some experts fear may pose one of the most serious threats to individual privacy in decades.

Law enforcement officials say that as the demand for personal data grows, information brokers are increasingly turning to illegal methods. In mid-December, NET was identified by the FBI as one player in a nationwide network of brokers and private investigators who allegedly were pilfering confidential personal data from U.S. government computers and then selling them for a fee to lawyers, insurance companies, private employers, and other customers.

The information-broker investigation involved what officials say was the largest case ever involving the theft of federal computer data and was all the more striking because it was essentially a series of inside jobs. Among the 16 people arrested by the FBI in ten states were three current or former Social Security Administration employees (in Illinois, New York and Arizona) charged with selling personal records contained in SSA computers. In effect, law enforcement officials said, information brokers such as NET were bribing the government employees to run computer checks on individuals for as little as \$50 each. Computer checks were being run "on thousands of people," said Jim Cottos, regional inspector general in Atlanta for the Department of Health and Human Services, whose office launched the investigation. ("Theft of U.S. Data Seen as Growing Threat to Privacy," *The Washington Post*, December 28)

December 1991 In an editorial titled, "Say Merry Christmas, America," *Government Technology* editor Al Simmons urged readers to ask their legislators to support two pending House bills that would increase public access to government information. The bills are: HR 2772 introduced by Rep. Charlie Rose (D-NC) and HR 3459 introduced by Rep. Major Owens (D-NY). Simmons called the two legislators "a couple of fearless gents from the old school of representative government who are ready to take on the bureaucracy and the private sector lobby as well."

HR 2772 proposes a WINDO (Wide Information Network for Data Online) to be managed by the Government Printing Office which would act either as a gateway to dozens of federal databases or to provide a GPO online system for direct access to tax-payer supported databases. Simmons wrote, "Further, Rose not only thinks WINDO should be affordable to citizen users, he wants WINDO access without charge to the nation's 1,400 federal depository libraries as a computer extension of

the depository library system established more than 130 years ago "

The Improvement of Information Access Act, HR 3459, would require federal agencies to store and disseminate information products and services through computer networks, and set the price of information products and services at the incremental cost of dissemination.

Simmons took issue with government agencies such as the Bureau of the Census that charge as much as \$250 for a CD-ROM, even though the actual cost is about two dollars. He also pointed out there are "the private sector data vendors who spend a lot of money trying to discourage the idea that government information should be accessible by citizens directly from the government." ("Say Merry Christmas, America," *Government Technology*, December)

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