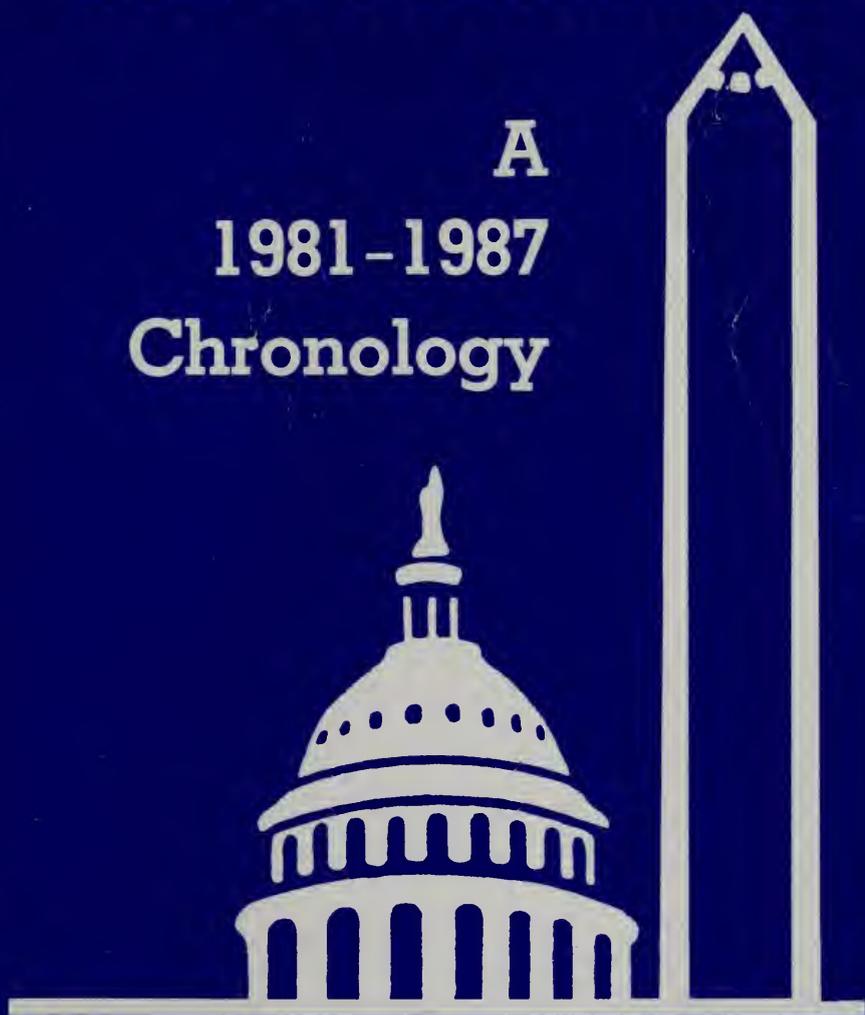


**Less Access  
to Less Information  
by and about the  
U.S. Government**

**A  
1981-1987  
Chronology**



American Library Association  
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Prepared by the  
American Library Association  
Washington Office

February 1988

The American Library Association is most grateful for the generous support it has received from the Benton Foundation and the Field Foundation.

## Preface

What was first seen as an emerging trend in April 1981 when the American Library Association Washington Office first started this chronology of items which came to our attention, had by December 1987 become a continuing pattern of federal government to restrict government publications and 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 Reagan Administration's interpretations and implementation of the 1980 Paperwork Reduction Act (PL 96-511, as amended by PL 99-500), implementation of the Grace Commission recommendations, 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. Through two 1985 directives, Circulars A-3 and A-130, the Office of Management and Budget has clearly consolidated its government information control powers. Circular A-3, Government Publications, requires annual reviews of agency publications and detailed justifications for proposed periodicals. Circular A-130, Management of Federal Information Resources, 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. The likely result is an acceleration of the current trend to commercialize and privatize government information.

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

During 1987, a government policy of secrecy was demonstrated in the Iran-Contra affair and in obligatory employee secrecy agreements. The Federal Bureau of Investigation asked librarians to report on foreigners using certain libraries. Incongruously, at the same time, the federal gov-

ernment is contracting out the operation of more and more of its libraries to foreign-owned private companies.

The American Library Association reaffirmed its long-standing conviction that open government is vital to a democracy in a resolution passed in January 1984 which 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 January 1985, ALA established an Ad Hoc Committee to Form a Coalition on Government Information. The Coalition's objectives are to focus national attention on all efforts which limit access to government information and to develop support for improvements in access to government information.

With access to information a major ALA priority, members should be concerned about this series of actions which create a climate in which government information activities are suspect. This publication is a compilation of previous "Less Access. . ." chronologies.

- April 1981 President Reagan imposed a moratorium on the production and procurement of new audiovisual aids and government publications using the rationale that the federal government is spending too much money on public relations, publicity, and advertising, "Much of this waste consists of unnecessary and expensive films, magazines, and pamphlets." (*Weekly Compilation of Presidential Documents*, April 27, 1981)
- April 1981 The Office of Management and Budget (OMB) issued Bulletin No. 81-16 which provided procedures and guidelines for the moratorium. All agencies were required to review and reduce planned or proposed publications and to develop a management control plan to curtail future spending on periodicals, pamphlets and audiovisual materials.
- June 1981 OMB issued a model control plan to assist agencies in developing new or improved control systems to carry out the policies and guidelines in Bulletin No. 81-16, "Elimination of Wasteful Spending on Government Periodicals, Pamphlets, and Audiovisual Products."
- June 1981 OMB Bulletin 81-21 required each federal agency to submit its plan for reviewing its information activities by September 1, 1981. The objective was to establish a process ". . . which forces agencies to focus on and allows us (OMB) to influence decisions on how they process, maintain, and disseminate information." Bulletin No. 81-21 also required the designation of the single official in each federal agency in the executive branch who will be responsible for information resources management as required by the Paperwork Reduction Act of 1980.
- September 1981 David Stockman, Director of OMB, issued Memorandum 81-14, requiring heads of executive departments and agencies to pay special attention to the major information centers operated or sponsored by their agency. Among the types of information centers to be evaluated are clearinghouses, information analysis centers and resource centers. Evaluation criteria included these questions: Could the private sector provide the same or similar information services? Is the information service provided on a full-cost recovery basis?
- October 1981 OMB Bulletin 81-16, Supplement No. 1, required agency review of all existing periodicals and recurring pamphlets to reevaluate their necessity and cost-effectiveness using OMB-approved control systems. Agencies must submit a new request for all series to be continued after January 15, 1982.

October 1981

- October 1981 Public Printer Danford Sawyer, Jr. proposed to close all Government Printing Office bookstores outside of Washington, D.C. plus a few Washington locations. Approximately 24 of the 27 GPO bookstores would be closed, because, it is claimed, they compete with the private sector and are losing money. (Letter to Sen. Mathias, Chairman of the Joint Committee on Printing, Oct. 9, 1981)
- October 1981 The Justice Department submitted to Congress the Administration's proposal to severely limit the applicability of the Freedom of Information Act. (*Washington Post*, November 28, 1981)
- November 1981 According to the *Washington Post* (November 9, 1981) over 900 government publications have been or will be eliminated and the government claims that millions of dollars will be saved as a result.
- November 1981 The *Washington Post* (November 20, 1981) also reported that the Commerce Department was considering replacing the National Technical Information Service with contracts to private firms. NTIS indexes and distributes at cost thousands of federally funded technical reports and research studies.
- November 1981 One example of a discontinued publication is the Securities and Exchange Commission *News Digest*, hardly an ephemeral public relations piece. The SEC will continue to print it for internal use, but will no longer offer subscriptions or make it available for depository library distribution. Instead, a private firm will publish it at a 50 percent increase in price (from \$100 to \$150 per year). (Security and Exchange Commission *News Digest*, November 10, 1981)
- December 1981 Citing budget cuts, the National Archives discontinued the inter-library loan of microfilm publications from the Fort Worth Federal Archives and Records Center. About 400,000 reels of census, diplomatic, pension and other records used heavily by genealogists were lent to libraries annually. (Letter sent from the National Archives to "All Librarians", November 30, 1981) [Note: In July 1983, NARS began a rental program for census microfilm through a contractor.]
- January 1982 The free Government Printing Office pamphlet *Selected U.S. Government Publications* used for years to alert readers to new general interest and consumer oriented government documents will no longer be mailed to the public because GPO says it is too expensive to mail out every month. GPO suggests that readers subscribe to the comprehensive bibliography the *Monthly Catalog*

of *U.S. Government Publications* which costs \$90 a year. (*Washington Post*, January 22)

- February 1982 The President's FY 1983 budget requested zero funding for the Library Services and Construction Act; Titles II A, B and C of the Higher Education Act which provide funds for college library resources, research and training programs and research libraries; and the National Commission on Libraries and Information Science. Less money was proposed for the state block grant which contains funding for school library resources and for the U.S. Postal Service subsidy which supports the fourth class library rate and other nonprofit mailing rates. (Office of Management and Budget, *Budget of the U.S. Government FY 1983*)
- March 1982 A 300 percent increase in the cost of an annual subscription to the *Federal Register*—from \$75 to \$300—went into effect. (February 25 *Federal Register*, p. 8151). In 1981, the price of a year's subscription to the *Congressional Record* increased from \$75 to \$208. Sen. Charles Mathias (R-MD) stated that circulation of the *CR* declined almost 20 percent in the last three years as the price increased. (*New York Times*, June 2)
- March 1982 Many publications formerly distributed free are now available only for a fee and government agencies are urged by OMB to start charging prices high enough to recover their costs. For example, because of budget cuts, Agriculture Department's Economic Research Service will stop free distribution of its publications and make these reports available only on a paid subscription basis. The alternative was to curtail basic research activities. (March 29 *FR*, p. 13178)
- March 1982 A reference collection standby, the *Dictionary of Occupational Titles*, is threatened because 87 of the 97 jobs remaining in the Labor Department's occupational analysis division are being eliminated. (*Washington Post*, March 2)
- April 1982 The President signed Executive Order 12356, National Security Information, which substantially increases the amount of information that can be classified. (April 6, *FR*, pp. 14873-14884). Critics see the Executive Order as a reversal of a 30-year government policy of automatic declassification of government documents. Although the National Archives still has the authority to review classified documents, budget cuts are likely to limit the ability of Archives to carry out this function effectively. (*Chronicle of High Education*, April 14)

May 1982

May 1982           The Administration supports Senate amendments to the Freedom of Information Act to restrict the type and amount of government material available to the public. (*Washington Post*, May 4).

May 1982           The government's two biggest collectors of statistics, the Census Bureau and the Bureau of Labor Statistics, have cut programs because of budget reductions. The Census Bureau has dropped numerous studies and the Bureau of Labor Statistics has asked Congress for an emergency \$5.6 million appropriation "to maintain the accuracy" of such key economic indicators as the Consumer Price Index. According to a May 4 *Washington Post* article, "Many of the programs being trimmed helped the government monitor how its programs were being used. Others helped policy makers predict economic trends." The article also quoted a business leader testifying at a congressional subcommittee hearing in March: "A million dollars saved today through short-sighted reductions in the budgets for statistical programs could lead to erroneous decisions that would cost the private and public sectors billions of dollars over the long run."

May 1982           The Office of Management and Budget has agreed to make available a complete list of discontinued government publications as a way "...to assure an orderly and equitable transfer of discontinued government publications to the private sector." The list, which should be available in mid-July, can be obtained from OMB's Bill McQuaid (202/395-5193). (*Association of American Publishers Capital Letter*, May)

May 1982           In April, the General Services Administration closed the Washington, D.C. Federal Information Center, leaving the 40 information centers in other parts of the country still operating. However, citing budget cuts, walk-in services have now been eliminated, leaving only the telephone numbers and people to answer them. A saving of \$260,000 of the centers' \$4 million annual budget is anticipated. (*Washington Post*, May 25)

May 1982           The *New York Times* (May 10) reported that GPO destroyed \$11 million worth of government publications that were not selling more than 50 copies a year or earning more than \$1,000 in sales a year. The millions of documents were sold as wastepaper for \$760,000. Although a few copies of most titles have been kept in stock, generally people looking for one of the destroyed publications will be told to find it in one of the depository libraries.

- June 1982 In keeping with its policy to refuse to offer for public sale anything that won't yield \$1,000 a year in sales, GPO has selected only 25 of the 69 publications which the National Bureau of Standards wanted to offer for public sale. As a result, the rejected publications are available to the public only through the National Technical Information Service whose prices for NBS publications are generally two to three times higher than GPO's for the same document. (Memo from NBS official, June 14)
- June 1982 Continued cutbacks on free publications result in the Health and Human Services Department no longer distributing copies of *Infant Care* without charge as it has for 58 years. (*New York Times*, June 2)
- June 1982 The Office of Management and Budget permitted federal agencies to begin putting out new publications and films, but OMB will keep a close eye on costs and top agency officials will monitor content. According to a preliminary count, the Administration has eliminated about 2,000 of the 13,000 to 15,000 publications distributed before the President's April 1981 moratorium on government books, periodicals and audiovisuals. (*Washington Post*, June 11)
- September 1982 In response to a September 8 *Federal Register* (pp. 39515-39530) notice by the Office of Management and Budget (OMB) regarding proposed regulations for the information collection provisions of the Paperwork Reduction Act of 1980, Washington Office Director Eileen Cooke sent OMB the resolution on federal government statistical activities passed by Council at the 1982 annual conference. Her letter sent with the resolution expressed ALA's concern with the assumption throughout the proposed regulations that federal government data collection is a burden on the public, with little recognition given to the benefits to the public which are derived from accurate, nonbiased and timely statistics. She stressed that the Association would like to see more safeguards for public access in the regulations.
- October 1982 On October 6, 1982, OMB released a list of more than 2,000 government publications—one out of every six—targeted for termination or consolidation into other publications. This initiative, together with 4,500 other cost reductions proposed for an additional 2,300 publications, is expected to produce cost savings "of more than one-third of all federal publications." According to OMB 82-25, "Reform '88: Elimination, Consolidation and Cost Reduction

of Government Publications," sixteen percent of all government publications will be discontinued. This amounts to 70 million copies, 1/12 of the 850 million copies printed, and is part of "... the Reagan Administration's continuing drive to eliminate costly, redundant and superfluous publications. . . ." Each federal agency will be reviewing its publications for increased user fees. Similar savings are expected during 1983 to 1985.

January 1983

OMB published the draft of the revision of its Circular A-76 "Performance of Commercial Activities" in the January 12 *Federal Register*, pp. 1376-1379. Library services and facility operation and cataloging were listed as examples of commercial activities. The supplement to the circular sets forth procedures for determining whether commercial activities should be operated under contract with private sources or in-house using government facilities and personnel. (ALA's Federal Librarians Round Table recommended many changes in the draft circular to OMB.)

January 1983

OMB proposed amendments to its Circular A-122, "Cost Principles for Nonprofit Organization," in the January 24 *Federal Register*, pp. 3348-3351. The proposal "... would have had the apparent effect of severely restricting or inhibiting an organization from engaging in protected first amendment rights with its own private assets as a condition for receiving the benefits of any federal contract or grant, unless the organization would duplicate all its facilities, equipment and personnel." ("Legal Analysis of OMB Circular A-122: Lobbying by Non-Profit Grantees of Federal Government," Congressional Research Service, Library of Congress, December 15, 1983, p. CRS-2). The proposal was withdrawn in March after substantial congressional and public criticism. (*Chronicle of Higher Education*, March 9, 1983)

February 1983

In a February 18 speech to the Conservative Political Action Conference, President Reagan cited "... reducing publication of more than 70 million copies of wasteful or unnecessary government publications" as one of the ways that his Administration is attempting to make government more efficient. (*Weekly Compilation of Presidential Documents*, February 23, 1983, p. 260)

March 1983

Stating that additional safeguards are needed to protect classified information, the President issued a directive on safeguarding national security information on March 11. The directive mandates greater use of polygraph examinations in investigations of leaks of classified information and requires all individuals with access to

certain types of classified information to sign a lifelong pre-publication review agreement to submit for governmental review all writings and proposed speeches which touch upon intelligence matters. As directed by ALA Council in a resolution passed at the 1983 Annual Conference, ALA Executive Director Robert Wedgworth wrote to the President and requested that *The Presidential Directive on Safeguarding National Security Information* be rescinded. In December, Congress added an amendment to the Department of State Authorizations (PL 98-164) prohibiting implementation of the directive until April 15, 1984.

April 1983

The Department of Energy proposed regulations in the April 1 *Federal Register*, pp. 13988-13993, to "...describe those types of Unclassified Controlled Nuclear Information (UCNI) to be protected, established minimum protection standards, set forth the conditions under which access to UCNI would be granted, and establish procedures for the imposition of penalties for violation of those regulations." Although libraries were not mentioned in the proposal, the scope of the documentation and information potentially covered raised concern about access to information on nuclear research in libraries which are depositories of Department of Energy nuclear materials.

August 1983

At a public hearing at the Department of Energy on August 16, Sandra Peterson, chair of the Government Documents Round Table, testifying on behalf of ALA, concluded that the proposed DOE regulations issued in April about Unclassified Controlled Nuclear Information should be withdrawn and reevaluated. At the hearing, a DOE official recognized the concerns of academic and research institutions about the effect of the proposed rule on their libraries. Two possible solutions were suggested: 1) expressly exempt from the rule nongovernmental libraries whether operated by government contractor or not; and 2) limit the responsibility of nongovernment libraries to the protection of documents or materials specifically identified by title, if possible, to the library by DOE in writing. In an October letter to DOE on behalf of ALA, Peterson rejected both approaches as impossible and impractical. DOE plans to issue a revised proposal in January 1984 in the *Federal Register* for an additional public comment period.

August 1983

OMB issued the revision of its Circular A-76 (see January) in the August 16 *Federal Register*, pp. 37110-37116. The impact of this circular extends to all libraries which depend on or have a service relationship with federal libraries. A contract for total library oper-

ations of the Department of Energy library was awarded to a private sector firm in August, for the Department of Housing and Urban Development in September.

- September 1983 In the September 12 *Federal Register*, pp. 40964-40965, OMB solicited public comment on the development of a circular on federal management as part of its responsibility to implement the Paperwork Reduction Act of 1980 (PL 96-511). The only underlying principle mentioned by OMB was that "information is not a free good but a resource of substantial economic value. . . ." The ALA response stressed that "To participate fully in a democratic society, citizens must be informed and aware, regardless of their individual ability to pay for information." Indications are that OMB will try to establish user fees in order to recover the government's full costs of creating as well as providing information, and will try to define what constitutes unfair competition with the private sector as it relates to information issues and library operations. OMB plans to issue a proposed circular for public comment in the *Federal Register* in February 1984.
- October 1983 In contrast to other policies which restrict public access to government information, the U.S. Government Printing Office launched a national campaign to increase public awareness and use of federal depository libraries. The campaign uses public service announcements with the theme "Contact your local library" on television, radio and in print to guide the audience to all libraries, the 1,375 depositories and other non-depositories.
- November 1983 OMB issued a watered down version of its January revisions to Circular A-122: "Cost Principles for Nonprofit Organizations; Lobbying and Related Activities" in the November 3 *Federal Register*, pp. 50860-50874. In a December 19 letter, ALA urged OMB to clarify ambiguous language in the proposal and reaffirmed the Association's commitment to the principle that open government is vital to a democracy. OMB has extended their previous mid-December comment deadline to January 18, 1984. ALA chapters and state library associations may want to further analyze the OMB proposal to see if it would affect their organization's lobbying and related activities.
- November 1983 The House passed HR 2718, Paperwork Reduction Act Amendments of 1983. The bill establishes new goals for further reduction of the burden imposed by federal paperwork requirements. Federal collection of information would be reduced by 10 percent by Octo-

ber 1, 1984, and by an additional 5 percent by October 1, 1985. The House bill would explicitly prohibit use of funds for functions or activities not specifically authorized or required by the Paperwork Reduction Act. (November 7 *Congressional Record*, pp. H9271-9273)

December 1983 In a December 12 letter to Rep. Augustus F. Hawkins (D-CA), Chair of the Joint Committee on Printing, OMB Director David Stockman, protested the stipulation in the proposed JCP *Government Printing, Binding and Distribution Regulations* that the Government Printing Office would be responsible for the distribution of all government publications. In her letter commenting on the proposed regulations, ALA Washington Office Director Eileen D. Cooke commended the JCP for its development of regulations which provide for technological changes and for increased support for the depository library program. Cooke said: "The expanded definition of printing is extremely important for the continued effective operation of the depository library program. An increasing number of government agencies are creating information which is only available for distribution in an electronic format. In order for libraries, specifically depository libraries, to be able to provide information in this format to the general public, it must become a part of the depository library program." The proposed JCP regulations were printed in the November 11 *Congressional Record*, pp. H9709-9713.

December 1983 On December 28, 1983, the United States Government gave the required one-year notice of its intention to withdraw from the United Nations Educational, Scientific, and Cultural Organization (UNESCO) effective January 1, 1985. (Press release #98-158, "House Hearings on U.S. Participation in UNESCO," Committee on Science and Technology, U.S. House of Representatives, March 8, 1984)

*Note:* ALA Council passed a resolution in January 1984 on continued U.S. membership in UNESCO. Thomas Galvin, Chair of ALA's International Relations Committee, testified in Congress on March 15, 1984 and urged the U.S. to stay in UNESCO and continue to allow U.S. scientists "full, prompt, and ready access to . . . research results of their counterparts . . . throughout the world."

January 1984 The *Second Annual Report on Eliminations, Consolidations, and Cost Reductions of Government Publications* reports the elimina-

January 1984

tion of 3,287 publications and the proposed consolidation of another 561. The total of eliminations and consolidations equals 3,848 publications or one-fourth of the total inventory. These publications account for over 150 million copies, or 15 percent of all copies printed. In addition, federal agencies proposed 5,020 cost-reduction actions on 3,070 other publications including reducing the volume, frequency of issue, use of color, and other printing and distribution cost reductions. Meanwhile, the Office of Management and Budget is revising OMB Circular A-3, the permanent procedure for the government-wide review of publications. When the circular is revised, OMB plans to establish new publication elimination and cost reduction goals for the remaining 9,000 publications in the government inventory of 15,900 publications. (Office of Management and Budget, *Second Annual Report on Eliminations, Consolidations, and Cost Reductions of Government Publications*, released on January 6, 1984.

January 1984

A photograph in the *Washington Post* showed Presidential counselor Edwin Meese III and OMB Deputy Director Joseph Wright surrounded by trash bags stuffed with government documents at a White House briefing. The accompanying story said:

Since President Reagan took office three years ago, the administration has eliminated one of every four government publications then printed. Most of them were distributed free to the public by the Agriculture and Defense departments.

Meese ridiculed the publications, calling a pamphlet entitled "How to Control Bedbugs," for example, a real "bestseller." But the doomed publications included several offering advice about serious subjects, such as solar energy, radioactive fallout, income taxes and drug abuse. Meese said those publications are being eliminated because the information is available elsewhere. Eliminating the publications will save \$85 million annually. . . (Pete Earley, "U.S. Tightens Tourniquet on Flow of Paper," *Washington Post*, January 7, 1984, p. A5)

February 1984

For the third year in a row the Administration proposed elimination of library grant programs. Education Department justification for the zeroes indicated no new rationale, but once again noted "the program's past success at establishing the highest practical levels of access across the country to library services. . . and at developing models of interlibrary cooperative arrangements to stimulate

further expansion of the concept." In addition, "any further need for training of professional librarians can be met through State and local efforts as well as student aid programs." In the past years, Congress has continued to fund library grant programs, in some cases, at the highest-ever levels. (Department of Education, *The Fiscal Year 1985 Budget*, released February 1, 1984)

February 1984

The Administration's FY 1985 budget request for the Consumer Information Center is \$349,000, a million dollars less than the FY 1984 appropriation. The budget proposes that one-half of CIC's staff be redirected from traditional consumer information activities to undertake new marketing programs financed from increased user fees and other charges. The CIC's function is to promote greater public awareness of existing federal publications through distribution of the quarterly "Consumer Information Catalog" and various media programs.

In May, when the House Appropriations Committee recommended \$1,149,000 in new budget authority for the CIC in FY 1985, it expressed concern that the recent user charge increase has substantially reduced consumer demand for publications, with the result that lower volume has raised unit distribution costs. Therefore, the committee directed that the charge to consumers not be raised above its current level of \$1 and that the CIC charge other federal agencies only the actual cost of distributing publications. (H. Rept. 98-803 on the Department of Housing and Urban Development-Independent Agencies Appropriation Bill, 1985; May 23, 1984, p. 34)

February 1984

The Administration requested for FY 1985 only \$452 million of the \$801 million needed to keep nonprofit and other subsidized postal rates at current levels. Under the President's proposal, a 2-lb. book package mailed at the fourth-class library rate would increase from the current 47¢ to 66¢, a 40 percent increase. However, the House Treasury-Postal Service-General Government Appropriations Subcommittee, chaired by Rep. Edward Roybal (D-CA), recommended \$801 million, the full amount needed. The full House Appropriations Committee approved that recommendation June 7 in HR 5798; the Senate subcommittee has not yet acted. (House Treasury, Postal Service and General Government Appropriations Bill, 1985 (H. Rept. 98-830))

February 1984

Following the Administration's request for substantial revisions to the Freedom of Information Act, the Senate passed S. 774 amend-

ing the FOIA. The bill would provide increased confidentiality for certain law enforcement, private business, and sensitive personal records. It promotes uniform fee schedules among agencies which could recover reasonable processing costs in addition to the current search and copying costs, and could keep half the fees to offset costs. The public interest fee waiver would be clarified. Many of the substantive and procedural changes proposed by the Senate to the FOIA are controversial. Rep. Glenn English (D-OK), Chair of the House Government Operations Subcommittee on Government Information, Justice, and Agriculture, has indicated that the Subcommittee "must proceed very carefully and thoughtfully in considering amendments." (February 27 *Congressional Record*, pp. S1794-1822, and "Statement of Rep. Glenn English on the Passage by the Senate of Freedom of Information Act Amendments," News Release from the House Committee on Government Operations, February 28, 1984)

The Department of Agriculture announced that it will issue a Request for Proposal (REP 84-00-R-6) on March 15, seeking contractors to provide a computer-based system to support electronic dissemination of "perishable" data developed by USDA agencies. (February 28, 1984, *Commerce Business Daily*). Examples of the type of data to be disseminated in the system include: *Market News Reports* from Agricultural Marketing Service, *Outlook and Situation Reports* from Economic Research Service, *Weekly Export Sales Reports* from Foreign Agricultural Service, USDA press releases and crop production reports from Statistical Reporting Services. Users will pay for the direct cost of accessing the data from the computer-based system. However, USDA does not plan to exert control over the fees which contractors or sub-contractors will charge the public to access the on-line data.

The Office of Management and Budget considers this RFP a prototype for the federal government's distribution of electronic data.

The Patent and Trademark Office has signed agreements with private companies for the automation of agency records at no cost to the government. One aspect of these agreements requires the agency to deny Freedom of Information Act requests for the records in automated form. In a statement in the March 14 *Congressional Record* (pp. H1614-1615), Rep. Glenn English (D-OK) asked: Is the agency obtaining services at the price of limiting public access to some of its records? The Securities and Exchange Commission has issued a request for proposals for a pilot test of an

electronic filing, processing, and dissemination system. The Federal Maritime Commission is also considering an electronic filing, storage, and retrieval system for tariffs.

March 1984

On March 15, Sen. John Danforth (R-MO) introduced S. 2433, the Senate version of the Paperwork Reduction Act Amendments of 1984. The Senate bill would require reducing the paperwork burden by 5 percent in each of the next five fiscal years, beginning in FY 1984. (March 15 *Congressional Record*, pp. S2789-2793)

April 1984

OMB published the third and final version of its controversial "Lobbying" revision of Circular A-122, "Cost Principles for Non-profit Organizations" in the April 27 *Federal Register*, pp. 18260-77. The revision which is scheduled to go into effect on May 29, 1984, makes unallowable the use of federal funds for the costs associated with most kinds of lobbying and political activities, but does not restrict lobbying or political activities paid for with non-federal funds. The new version is still drawing fire from some groups and from Members of Congress who contend that the book-keeping requirement would require contractors and grantees to tell the government how much they spend on lobbying and identify those costs separately from other expenses. (*Washington Post*, April 30, 1984)

April 1984

The Justice Department concluded in an April 11, 1984 memorandum for the Counsel to the Director of the Office of Management and Budget that the proposed regulations published by the Joint Committee on Printing in November 1983 "...are statutorily unsupported and constitutionally impermissible." (Memorandum for Michael J. Horowitz, Counsel to the Director, Office of Management and Budget. Re: Constitutionality of Proposed Regulations of Joint Committee on Printing under *Buckley v. Valeo* and *INS v. Chadha*, April 11, 1984)

May 1984

When the National Farmers Union recently asked for a listing of payment-in-kind (PIK) participants and amounts of the PIK commodities they received, the U.S. Department of Agriculture responded that a printout would cost \$2,284.87, with half of the money required up front. (*Washington Post*, May 25, 1984, p. A21)

June 1984

Thousands of government employees are currently being required to sign prepublication censorship agreements and to submit to lie detector examinations despite President Reagan's suspension of these controversial programs proposed in his March 1983 National

Security Decision Directive 84. According to a General Accounting Office report (GA/NSIAD-84-134) released on June 11, 1984, every employee with access to sensitive compartmented information (SCI) is being required to sign a lifelong prepublication censorship agreement, Form 4193. In March 1984, the President had promised Congress he would suspend the censorship and polygraph provisions of his directive for the duration of this session of Congress. The President's censorship contract and Form 4193 are virtually identical. Since the issuance of Form 4193 in 1981, approximately 156,000 military and civilian employees have been required to sign such agreements at the Department of Defense alone. The GAO reports that employees in 22 other federal agencies have also signed these agreements. (U.S. House of Representatives, news release, "GAO Update on Administration Lie Detector/Censorship Status Reveals Reagan Promise of Suspension Has Little Effect: Brooks Calls for End to Programs, Prohibition by Law," released June 13, 1984)

July 1984

For the first time in 45 years, the *Federal Statistical Directory* has been published by a private publisher—at nearly three times the price. Previously, the directory was created by the Commerce Department's Office of Federal Statistical Policy and Standards and sold through the Government Printing Office. After the statistical office was transferred to the Office of Management and Budget, OMB killed the book as part of its drive to scrap unnecessary publications. When GPO sold the 1979 edition, the most recent available from the government, it charged \$5. The private publisher has updated the 1979 version, added an index and appendix and set his price at \$14.95. ("U.S. Statistics Go Up in Private Printing," *Washington Post*, July 24, 1984)

July 1984

Three years after the Reagan Administration began slashing the budgets of federal statistical agencies, the General Accounting Office has concluded that most major studies were not jeopardized, in part because the cuts generally have been restored by Congress. According to the report, "Status of the Statistical Community After Sustaining Budget Reductions" (GAO/IMTEC-84-17), the National Center for Education Statistics, similar to other statistical agencies, protected its core survey programs when budget cuts were required. The Center also considered whether programs were necessary because of congressional mandates or because of Departmental requirements. As a result of applying these two criteria, the Center made most of its reductions in the areas of technical assistance to states and library services. Program initia-

tives that were put on hold included obtaining data on international education and measuring adult functional literacy. (*Washington Post*, August 2, 1984)

August 1984

The Department of Energy published revised proposed regulations on identification and protection of unclassified controlled nuclear information (UCNI) in the August 3 *Federal Register*, pp. 31236-46. DOE said that the proposed regulations have been changed to clarify their intended scope, with several of the changes specifically directed at the concerns of librarians. "Other than the fact that certain documents that, in the past, would have been released to libraries no longer will be released in the future, these regulations have no direct impact on the operation of public or university libraries." The broad scope of DOE's April 1983 proposal raised concern about access to information on nuclear research in libraries which are depositories of DOE nuclear materials.

On September 13, Sandra Peterson, Documents Librarian at Yale University, testified for ALA at a DOE public hearing on the proposed revision. While questioning the philosophy which allows an agency to restrict access to unclassified information, Peterson acknowledged DOE's congressional mandate to issue regulations under section 148 of the Atomic Energy Act, and commended DOE for responding to criticism and adopting a realistic approach.

August 1984

On August 8 the Joint Committee on Printing held an all-day informational session at which JCP staff answered questions on the revised draft of the "Government Printing, Binding, and Distribution Policies and Guidelines" published in the June 26 *Congressional Record* (pp. H7075-78). The original draft revision published in November 1983, intended to embrace new technologies and replace JCP micromanagement procedures with oversight and policy-making functions, generated hundreds of comments. ALA commented favorably on both drafts, particularly the provisions for technological change and support of the depository library program.

The JCP staff explained that the current JCP regulations were now being termed "policies and guidelines" in light of the Supreme Court's decision (*INS v. Chadha*, 102 S. Ct. 2764 (1983)), which held legislative vetoes unconstitutional unless passed by both Houses of Congress and signed by the President. The Justice Department has advised the Defense Department that it need not seek JCP approval as required under 44 U.S.C., Section 501, before

conducting printing activities outside the Government Printing Office. JCP staff director Tom Kleis said he would ask the Committee to hold hearings on Title 44 with an eye to revision, but felt the guidelines were needed as an interim step. JCP's interest as an oversight committee was in making sure that government information was available to the public at a fair price, and that copies were provided to depository libraries as required by law.

September 1984 The Postal Rate Commission recommended on September 7 postal rate increases of 10 percent for 1st class (a 22¢ stamp), 11 percent for 3rd class nonprofit, 8 percent for the 4th class special or book rate, and a whopping 21 percent average increase for the 4th class library rate. While in most cases the U.S. Postal Service had requested larger increases, the reverse is true for the library rate. USPS requested 12 percent; the Postal Rate Commission said 21 percent was necessary to cover recent increased transportation costs for the library rate.

The initial impact early in 1985 would be about a 15 percent increase in the library rate (from the current 47¢ for a 2-lb. package to 54¢), with the average 21 percent increase (67¢ for 2 lbs., up 42 percent over the current 47¢) over current rate at the end of the phased rate schedule for the library rate (in approximately 1986). The library rate is now in Step 14 of a 16-step phased rate schedule leading up to a rate which reflects the full attributable costs (but none of the institutional or overhead costs) of the library rate mail. (Note: At its December 12 meeting, the U.S. Postal Service Board of Governors accepted the Postal Rate Commission's recommended rates. The new rates will take effect on February 17, 1985.) (U.S. Postal Service, *News*, General Release No. 47, December 12, 1984)

September 1984 In a September 14 letter to Donald Sowle, Administrator of OMB's Office of Federal Procurement Policy, 12 members of Congress stated that "While we believe that proper implementation of the A-76 Circular can help achieve more cost-effective performance of government activities, we oppose its application to library operations, which are inherently connected to the government's ability to make sound policy judgements." Signatories were Reps. William Ford (D-MI), Albosta (D-MI), Hawkins (D-CA), Simon (D-IL), Dymally (D-CA), Owens (D-NY), Barnes (D-MD), Schroeder (D-CO), Oakar (D-OH), Williams (D-MT), Brown (D-CA), and Walgren (D-PA).

- September 1984 The National Aeronautics and Space Administration announced on September 18 that a New York firm would publish and distribute "NASA TechBriefs Journal," saving NASA \$600,000 a year, enabling the publisher to make a profit selling ads, and perhaps making more free copies available to the public. But the chairman of the Congress' Joint Committee on Printing declared NASA's agreement illegal, a violation of Title 44. A NASA lawyer has issued an opinion that JCP's jurisdiction applies only to publications intended for a government audience, not to all publications containing government-gathered information. In response, a JCP attorney said: "Their interpretation . . . is totally specious. That would leave out the larger part of the universe of government publications." ("Print Deals Seen Making GPO a Paperless Tiger," *Washington Post*, October 2, 1984)
- September 1984 The House Post Office and Civil Service Subcommittee on Human Resources, chaired by Rep. Don Albosta (D-MI), held oversight hearings September 20 and 25 on the implementation of OMB Circular A-76 and its effects on the federal workforce. OMB Circular A-76 sets forth executive branch policy on the performance of "commercial" activities by the federal government. At the September 25 hearing, Rep. Albosta questioned Office of Management and Budget Deputy Director Joseph R. Wright, Jr. about the appropriateness of contracting out federal libraries and said that OMB was "walking a thin line" in including the entirety of library operations in their emphasis on turning government activities over to the private sector. In his testimony, Wright listed 14 categories of activities for productivity improvement study which federal agencies will be asked to concentrate on in the near future. "Libraries" fall between "mail and file" and "laundry and dry cleaning."
- Rep. Major Owens (D-NY) testified that libraries are one of the few professional functions on OMB's list and linked contracting out efforts to the Office of Personnel Management's efforts to reclassify and downgrade federal librarians. He thinks that both these efforts have ominous implications for the future and for the age of information.
- October 1984 In the October 1 *Federal Register*, p. 38694, the Department of Commerce announced that it intends to conduct a cost comparison of its library and issue an invitation for bids under OMB Circular A-76.

October 1984

October 1984

Over the past two years, parents in a housing subdivision in Morrison, CO, have watched 12 neighborhood children die of cancer, heart disease or meningitis. Another five children are battling cancer now, residents say, and there are dozens of unexplained cases of heart, brain and lung disease. The neighborhood's 5,000 residents are blaming the problem on toxic wastes and demanding government help. The Environmental Protection Agency, after rebuffing the citizens for more than a year, recently undertook a series of surveys to search for toxic pollutants. However, EPA has warned that it may lack the funds to do much if it turns out that the health problems stem from toxic discharges in the neighborhood. A local activist recalls bitterly that EPA officials initially told residents that they knew of no sites in the area that could pose a hazard. With one call to the U.S. Geological Survey, the citizens secured a map showing that at least five uranium mines once operated in the immediate vicinity. "You just go to the library and look it up," the local activist is quoted as saying. ("12 Children Dead in 'Cancer Cluster' Community," *Washington Post*, October 4, 1984)

October 1984

The Counterfeit Access Device and Computer Fraud and Abuse Act of 1984, now part of PL 98-473, was aimed at computer hackers but could have unintended dampening effects on the public's right to know. The legislation makes it a federal offense to knowingly use or disclose information in a government computer if the computer is accessed without authorization or if the scope of authorized access is exceeded. Sens. Mathias (R-MD) and Leahy (D-VT) pointed out that the focus of the new provision is on whether access is authorized, not on whether the use or disclosure of information is authorized. Thus even information whose release is mandated by the Freedom of Information Act might not be able to be released if the authority of a particular government employee to obtain it from a computer file were in any doubt.

October 1984

Federal agencies are publishing notices in the *Federal Register* announcing increased fees to the public for record retrieval including Freedom of Information Act requests. The increased fees implement existing policy to recover the direct costs of document search and duplication, but can be high when an individual requests information which must be retrieved by computer. For example, in the October 29 *Federal Register*, p.43468, the U.S. Postal Service published standard charges for system utilization services which range from \$189 to \$1,827 per hour. Dedicated use of a 370/135 costs \$15,704 per accounting period. Peripheral charges vary from \$.01 per frame for offline microfilm processing to \$2,960 per accounting period for inspection service processing.

- November 1984 The Office of Management and Budget issued Bulletin No. 84-17, Supplement No. 1, which provides the pro-rata reduction targets necessary for federal agencies to achieve the savings targets specified in the Deficit Reduction Act of 1984. Each of the executive agencies covered by the supplement has a pro-rata reduction target of 25.6 percent for publishing, printing, reproduction, and audiovisual activities. This percentage amounts to a \$347 million cut in printing and publications in 1985. ("OMB Gets Serious on Spending Cuts," *Washington Post*, November 7, 1984 p.A13)
- November 1984 The Defense Department issued one directive and prepared to issue a second that will restrict the release of unclassified and previously available information about weapons and other military systems. The new rules apply to technical information generated by the Defense Department, military contractors, research organizations, universities and anyone under contract to the Pentagon. Pentagon officials said that the directives are intended to reduce the flow of militarily useful technology to the Soviet Union. Critics said the directives are worded so broadly that they could also be used to restrict the flow of embarrassing information about weapons performance. DOD officials sought to assuage fears that the new directive would be used to cut off technical information to Congress or to hide mistakes by pointing to specific provisions forbidding such actions, (*Washington Post*, November 8, 1984; *New York Times*, November 5 and 8, 1984)
- November 1984 The Chemical Information System (CIS), 20 chemical data bases with physical and regulatory data, which the Environmental Protection Agency (EPA) has operated since 1973, has been turned over to private contractors without providing any interim federal funding. Each of the two contractors who have taken over the data base has a different plan for the system's future. Users claim that this will "put the system in chaos." When there are two different data bases, users will be forced to subscribe to both to get what they could previously get from one—"twice the overhead and twice the work." Still another concern is that unprofitable but scientifically valuable components of the system are likely to be dropped. A proposal to move the system to the National Library of Medicine gained some Congressional support but was not considered before Congress adjourned. ("EPA Dumps Chemical Data System," *Science* (November 16, 1984))
- December 1984 A 32-page report prepared by Harvard University asserts that federal agencies have greatly expanded their demands to see academic research before it is published. Officials on other cam-

puses describe the report as the most comprehensive catalog yet published of restrictions on university research that the government funds, and that it marks the beginning of a concerted effort by research universities to roll back such restrictions in the Reagan Administration's second term. ("Campuses Fear Federal Control Over Research," *New York Times*, December 18, 1984)

December 1984 The United States cast the lone vote in the United Nations General Assembly against the continued publication and expansion of a directory listing 500 potentially dangerous products that are banned, restricted or have failed to win approval in any one of 60 countries. The Assembly vote was 147 to 1. A United States delegate said the American vote reflected the Reagan Administration's belief that the \$89,000 expenditure on the publication was "wasteful" because the information was generally available elsewhere, although not all in one place. Some nations contended after the vote that the United States was not sensitive to their need for quick, easy information. A member of the Bangladesh delegation said: "It is very difficult for developing countries to collect this information on their own."

The United States voted against the initial publication of the directory in 1982 and has since declined to provide data for it. The publication's information about substances banned or restricted in the United States was compiled with the help of the Natural Resources Defense Council which filed a Freedom of Information request with federal agencies to obtain it. ("U.S. Lone Dissenter in 147-1 Vote at U.N. on Toxic-Products Book," *New York Times*, December 19, 1984)

December 1984 The State Department announced on December 19 that it will go ahead with the announced withdrawal of the United States from the United Nations Educational, Scientific and Cultural Organization (UNESCO) on December 31, ending 38 years of membership. United States membership could be renewed if UNESCO makes certain changes in its operation, according to a State Department spokesman. (*Washington Post*, December 20, 1984)

January 1985 President Reagan issued Executive Order 12498 which could expand greatly the authority of the Office of Management and Budget to control government policy making. The order will allow it to screen other agencies' regulatory proposals before the rules are drafted formally or announced publicly. The Executive Order does not apply to independent agencies and also exempts regula-

tions that must face tight judicial or statutory deadlines. (*Washington Post*, January 5) [Ed. note: See January 4 *Federal Register*, pp. 1036-1037 for the text of the Executive Order.]

January 1985

A 32-page report "Federal Restrictions on the Free Flow of Academic Information and Ideas," prepared by John Shattuck, a vice-president at Harvard University, was reprinted in the January 9 *Chronicle of Higher Education*. This report has additional examples of restrictions of access to government information.

February 1985

The 1985 edition of the *Car Book* rates cars based on crash test performance, fuel economy, preventative maintenance, repair, and insurance costs. Originally published in 1980 by the Department of Transportation, it quickly became the government's most popular publication with two million copies requested; but the Reagan Administration discontinued the book. It is now available from its private publisher for \$8.95. (*Washington Post*, February 4)

February 1985

For the fourth year in a row, the Administration's budget proposed to eliminate funding for the Library Services and Construction Act and the Higher Education Act title II library grant programs. The National Commission on Libraries and Information Science was once again at zero. The proposed budget would also eliminate all postal revenue forgone appropriations. If enacted, this would mean that as of October 1, 1985, those eligible for free mail for the blind would have to pay the full cost of this mail; and major increases would take effect in all subsidized rate categories including non-profit bulk mail, classroom publications, and the fourth class book and library rates. A two-pound book package sent library rate would be \$.94, a 74 percent increase from the current \$.54. This would be on top of a 15 percent increase February 17, when the two-pound package went from \$.47 to \$.54 as part of a general rate hike.

Budget documents indicated that at a later date the Administration would propose legislation to permit the United States Postal Service to increase the rates of full ratepayers so that some subsidy could continue for a few but not all current preferred-rate mailers. No details of this proposal were provided. (OMB, Budget of the United States Government, Fiscal Year 1986, Appendix)

February 1985

The Reagan Administration's efforts to stem the flow of unclassified information to the Soviet Union may soon turn to a new area: the government literature made available to the public through the

March 1985

Commerce Department's National Technical Information Service. A February memorandum by Commerce Secretary Malcolm Baldrige suggests that "new legislation, new Executive Orders, and coordinated government-wide regulations" may be required to stem what he calls the "hemorrhage" of information through NTIS. Private corporations make extensive use of NTIS materials as do scholarly researchers. Baldrige wants much tighter screening of what goes into NTIS, in essence requiring that documents containing potentially sensitive information be withheld from NTIS even though they are declassified or unclassified. (*Science*, March 8)

March 1985

The Merit Systems Protection Board announced that it will no longer publish the full text of its decisions in bound volumes, but referred users to private sector sources for MSPB decisions. The March 4 *Federal Register* notice (pp. 8684-8685) listed several private publishers which offer the MSPB decisions in various formats, not all of which include the complete decisions, at prices ranging from \$250 to \$498 per year. The bound volumes in the past have been provided at no charge to 472 depository libraries, including 37 federal libraries. In addition, 500 to 1000 copies of the volumes have been sold by the Government Printing Office at a cost of approximately \$55 per year. Discontinuation of government publication removes the item from the Depository Library Program, the GPO sales program, and inhibits public access to the decisions. The cost to the government itself for one copy of the MSPB decisions for each of the federal libraries which are currently depository recipients could be over \$18,000. (Statement of Francis J. Buckley Jr. before the House Government Operations Subcommittee on Government Information, Justice and Agriculture, April 29)

March 1985

At a speech at the National Press Club, Attorney General Edwin Meese III rejected the suggestion that the Administration had restricted access to information and said it had instead reduced the amount of information that was classified. "We have far too much classified information in the Federal Government." He pledged an "open administration" in his tenure as Attorney General. "Sometimes there is a temptation in Government to close up sources of information," adding that he would seek "to avoid this temptation" and try instead "to work cooperatively." (*New York Times*, March 21) [Ed. note: However, the Information Security Oversight Office says classification has increased. See May item.]

- March 1985 OMB proposed "a sharp reduction in the Government's efforts to gather and distribute statistics about all aspects of American life." Under the proposal, a draft circular on the management of federal information resources, OMB would have authority over all information-gathering efforts by federal agencies. "The agencies would have to show that the data were essential to their mission, that their benefits outweighed the collection costs." (*New York Times*, March 31) [For the text of the proposed circular, see the March 15 *Federal Register*, pp. 10734-47, with corrections on March 21, p. 11471.]
- March 1985 Some omissions from the OMB proposed circular on management of federal information resources are sure to spark controversy. "For instance, while the proposal warns bureaucrats to be wary of the possibility of price-gouging as the result of a contractor's monopoly over a government data base, it doesn't offer specific safeguards. . . . Agencies are not required to grant sole-source contracts to provide data bases to the public, but the SEC and others have an incentive to do so if in return they get an internal system from the contractor at no cost." (*Business Week*, March 25)
- March 1985 Using its authority under the Paperwork Reduction Act, OMB rejected all or parts of several forms proposed by the Department of Housing and Urban Development and the Veterans Administration to collect racial and ethnic data on beneficiaries of federal programs. The information is collected in an attempt to detect and prevent discrimination. (*New York Times*, March 25) [Ed. note: In June, OMB reversed its decision to bar HUD and VA from collecting information about the race, sex and ethnic background of applicants for home mortgage insurance. In a May letter, five Republican and seven Democratic senators urged President Reagan to overrule OMB, *Washington Post*, June 26.]
- March 1985 The Consumer Information Center, part of the General Services Administration, has raised fees for some of its publications, and is now charging for other publications it formerly distributed free of charge. A March 30 *Washington Post* story about these changes stated: "about 70 percent of the publications listed in the 1981 catalog were free, compared to 50 percent today," and "in 1981, the most expensive publication in the catalog cost \$2; today, the top price is \$7." As a result, the CIC's distribution of publications over the last four years has plummeted by about 77 percent.

April 1985

April 1985

The Department of Defense told the Society of Photo-Optical Instrumentation Engineers, sponsors of an April technical symposium in Washington, that it must cancel the presentation of about a dozen unclassified research papers because the information might help the enemies of the U.S. In addition, DOD ordered the Society to restrict the audience that attends the presentation of two dozen other technical papers that also are unclassified. The Pentagon contended it has the authority to limit distribution of information under the Export Control Act, which bars export of sensitive technology without a license. When speeches and papers are involved, DOD maintains that the presence of foreign scientists in the audience could lead to unauthorized export of information. Leading universities and professional associations have objected to the restrictions, and have been working with the Pentagon to try to resolve the conflict. (*New York Times*, April 8)

April 1985

According to an April 18 *Washington Post* article, the Reagan Administration is drafting guidelines to classify all national security-related information throughout the federal government—including civilian agencies—as part of an effort to increase computer and telecommunications security. Much of the information now in government computers is unprotected and is widely available. A special national security committee will decide how much of that information needs protection and how to protect it. As the federal government relies on computer networks and ordinary telephone conversations to conduct even the most sensitive business, traditional methods of classification for paper files and documents are seen as no longer adequate. The fact that computer and telecommunications technologies can be breached by electronic intercept and entry has prompted the decision to launch a set of security countermeasures in both classification and technology. One result could be that sensitive information now stored in civilian agency computers would fall under a new national security classification.

April 1985

The Department of Energy issued final regulations in the April 22 *Federal Register*, pp. 15818-29, to prohibit the unauthorized dissemination of certain information identified as Unclassified Controlled Nuclear Information. These regulations describe how government information is determined to be UCNI, establish minimum protection standards, specify who may have access to UCNI, and establish procedures for the imposition of penalties for violation of these regulations.

- April 1985 "According to a UPI report of April 8, Senator William Proxmire has threatened to try to cut funds for a newly-created White House News Service if it shows signs of expansion into the nation's 'first government operated and controlled news service' or of being replicated in other government agencies." (*Library Hotline*, April 29)
- April 1985 OMB is imposing administrative budget cuts on agencies which are forcing reductions in publication programs without adequate consideration of the utility of the information in meeting the agency's mission and in serving the public interest. For example, the Bureau of Labor Statistics is being forced, among other cuts, to reduce the *Monthly Labor Review* to a quarterly publication and to eliminate the following items: *How the Government Measures Unemployment*, *Questions and Answers on Male and Female Earnings*, *A Profile on Black Workers*, *Historical Supplement to Employment and Earnings*, *Family Employment Characteristics Data Book*, *Handbook of Labor Statistics*, and *Productivity and Manufacturing*. (Statement of Francis J. Buckley Jr. before the House Government Operations Subcommittee on Government Information, Justice and Agriculture, April 29.) [Ed. note: The *Monthly Labor Review* continued as a monthly.]
- April 1985 The former U.S. Court of Claims published its *Cases Decided* through the GPO. As a result, copies were distributed to 557 depository libraries and about 300 copies were sold by the Superintendent of Documents for about \$82 in 1982, the last year they were published. The reports of the U.S. Claims Court are being published commercially for \$219 for six volumes to bring the set up to date, plus an estimated \$102 per year for future issuances. The new Court Judges and Clerk are provided free copies by the commercial publisher, but the Court purchases copies for its own library as must all other government agencies, libraries, and the public. (Statement of Francis J. Buckley Jr. before the House Government Operations Subcommittee on Government Information, Justice and Agriculture, April 29.)
- April 1985 "A decision by the Nuclear Regulatory Commission to reduce public access to meetings and reduce the availability of transcripts from closed meetings is causing a stir in Congress. In late April the NRC voted 3-2 to immediately implement these rule changes proposed by chairman Nunzio Palladino, without first holding public hearings on the matter." (*Science*, May 10)

May 1985

May 1985

OMB issued, May 2, Circular No. A-3 (Revised), "Government Publications," which prescribes the policies and procedures for approving funding for government periodicals, and for reporting periodicals and non-recurring publications. This revision institutes an annual review of federal periodicals and establishes guidelines and procedures for a coordinated and uniform method of agency reporting and OMB approval. A new policy section states: "Expenditure of funds shall be approved only for periodicals that provide information, the dissemination of which is necessary in the transaction of the public business required by law of the agencies. The OMB-approved control system shall continue to be implemented and used to monitor periodicals and non-recurring publications. Periodicals and non-recurring publications will be prepared and disseminated in the most cost-effective manner possible." The control system referred to was set up in 1981 through OMB Bulletin 81-16 and supplement No. 1, which "initiated a program to cut waste in Government spending on periodicals, pamphlets, and audiovisual products."

May 1985

On May 2, OMB issued OMB Bulletin No. 85-14 providing instructions and materials to the heads of executive departments for the submission of the Annual Report on Government Publications. "In the Annual Report on Publications, due June 30, 1985, agencies shall request approval for all periodicals, both those proposed and those already being published, from the Director of OMB." This bulletin implements Title 44 of the *U.S. Code*, section 1108, and OMB's revised Circular A-3.

May 1985

The Reagan Administration, under a 1982 executive order (E.O. 12356) that spelled out new rules for defining government secrets, has been classifying more documents and declassifying far fewer. According to the annual report of the Information Security Oversight Office, the total number of "classification decisions" in fiscal 1984 was 19,607,736, an increase of nine percent over the year before. The systematic declassification of old records has flagged under the Reagan order, but proceeded faster in 1984 than in 1983. (*Washington Post*, May 8)

May 1985

Responses were overwhelmingly negative to the OMB proposed circular on Management of Federal Information Resources published in the March 15 *Federal Register*. While there were a few defenders among the 309 comments filed for public review in the OMB library, most were highly critical of the proposal. Of the comments received as of May 31, 1985, 169 were from the library

and university community, 88 from other members of the public, and 52 from federal agencies. Many of the comments contended that the proposed policy would make government information less accessible and more costly.

In a May 14 letter to OMB, ALA stated that the proposed circular, if implemented as written, will systematically deprive the American people of information by and about their government. ALA said the proposal still requires major amplification and revision, and another draft should be issued for public comment. In addition, it should be submitted to Congress for policy review because its provisions reach far beyond mere management considerations. ALA's ten-page response is available by sending a self-addressed mailing label to the ALA Washington Office, 110 Maryland Ave., N. E., Washington, D. C., 20002. (*ALA Washington Newsletter*, May 29, and June 17)

May 1985

In a May 24 editorial, "Statistical Error," the *Washington Post* called the OMB proposed circular on the management of federal information resources "an innocuous-sounding proposal that would destroy important and useful government services." The editorial concluded:

The government and the public need more and better, not less and more expensive, statistical information. The amounts that can be saved by OMB's proposals are nickels and dimes. The things that could be destroyed are gold. We put to the side a thought that has crossed some people's minds: that the administration is trying to suppress statistics and information that could be politically inconvenient. Let's just say that what they're doing is wrongheaded, and should be stopped.

May 1985

Bechtel North American Power Corporation has been awarded a contract to record Securities Exchange Commission filings onto microfilm and disseminate them. Starting Oct. 1, Bechtel is to provide an estimated 250,000 microfiche a year to the SEC's public reference rooms. Bechtel is expected to earn between \$4 million and \$6 million a year from sales of the information, depending on the number of filings. (*Washington Post*, May 29)

May 1985

The U.S. Department of Agriculture announced that time-sensitive information currently available both electronically and in print form from several USDA agencies will be available July 1 from a

single electronic source: Martin Marietta Data Systems. Users of the service, which are expected to be organizations that further distribute USDA information, will pay a minimum fee of \$150 a month, plus costs of special hardware and software, to access the system. USDA and land-grant universities will pay the usual computer time-share fees, but not a monthly minimum. With the proper equipment, such as high-speed modems, farmers and other individuals could also access the new service for a fee. The new service will disseminate daily and weekly market reports from the Agricultural Marketing Service; crop and livestock reports from the Statistical Reporting Service; outlook and situation reports from the Economic Research Service, foreign agricultural situation reports, export sales reports, and foreign trade leads from the Foreign Agricultural Service; news releases from the Office of Information and other perishable information. (*Agricultural Libraries Information Notes*, May 1985)

USDA elicited a commitment from Martin Marietta to charge no more than the standard time-sharing charges to information vendors purchasing the bulk data on the Martin Marietta system. However, USDA does not plan to exercise control over the fees information vendors charge the public to access the data on the vendor's systems. In addition, USDA hopes that disseminating the data on the Martin Marietta system will eliminate the need to disseminate the data in paper copy.

OMB regards the USDA program as a prototype for electronic dissemination of information, and Environmental Protection Agency and several other agencies have expressed an interest in participating in the USDA system. (Government Documents Round Table, ALA, *Documents to the People*, June 1985, p. 59)

June 1985

The June 12 edition of the Bureau of National Affairs *Daily Report for Executives* has a seven-page article which gives a good summary of the issues relating to the proposed OMB circular on Management of Federal Information Resources (March 15 *Federal Register*). The article has numerous quotes from the more than 300 comments OMB received about their proposal (BNA *Daily Report for Executives*, Regulatory and Legal Analysis, pp. C-1 to C-7)

June 1985

The Department of Education's Publication and Audiovisual Advisory council barred 17 federally supported education laboratories from issuing 98 of 438 publications related to research contracted for by the department. The move marks the first time that the department has a applied 1981 order intended to curb wasteful fed-

eral publishing to projects it has sponsored at the regional laboratories through the National Institute of Education. (*Education Week*, June 19)

June 1985

In the wake of alleged spying by former and current military personnel, the House of Representatives approved, 333 to 71, an amendment to the Defense Department authorization bill, which would give the Pentagon broad power to subject to lie detector tests more than four million military-civilian employees with access to classified information and would require polygraphs before granting the highest level clearances. The Senate has already passed a defense authorization bill that provides for a much more limited polygraph program. The two bills will have to be reconciled in a conference committee. (*Washington Post*, June 17)

July 1985

At a July 17 hearing of the House Government Operations Subcommittee on Employment and Housing chaired by Rep. Barney Frank (D-MA), Rep. Major R. Owens (D-NY) said: "It appears that OMB has zeroed in on the cost of information while remaining cynically unaware of, or ignoring, its value." Carol Turner of Stanford University testified for ALA and reaffirmed the Association's view that if OMB implemented its draft circular as proposed in the March 15 *Federal Register*, there would be a drastic reduction in the flow of government information to the public. (*Washington Post*, July 18) [Ed. note: The transcript of the hearing, *OMB's Proposed Restrictions on Information Gathering and Dissemination by Agencies*, is available from the Subcommittee (202/225-6751).]

July 1985

Reps. William H. Gray (D-PA) and David R. Obey (D-WI) criticized the Administration's plan to stop issuing the government's annual report on after-tax income. The latest report, June 27, showed the wealthy are getting wealthier and the poor, poorer; households in all but the top 20 percent received a smaller share of after-tax income in 1983 than in 1980. The Congressmen noted that the report indicated the share of after-tax income going to those with incomes of more than \$60,000 a year rose to 42 percent, from 40.6 percent in the 1980-1983 period, a shift of nearly \$25 billion. In a letter to Commerce Secretary Malcolm Baldrige, they protested the decision to stop issuing the report in order to cut costs. (*New York Times*, July 9)

In August, Baldrige wrote Gray that he had "reevaluated the Census Bureau's recommendation and have concluded that we should continue doing the report." (*Washington Post*, August 30)

August 1985

August 1985

Attorney General Edwin Meese III and Assistant Attorney General for Civil Rights William Bradford Reynolds are leading an effort to revise Executive Order 11246, the 20-year-old directive mandating equal employment efforts on the part of federal contractors. Business organizations joined civil rights activists and members of Congress in challenging a draft executive order which would abolish rules requiring some government contractors to meet numerical goals in hiring minorities and women. Sen. Howard M. Metzenbaum (D-OH) said: "When you make an effort to determine whether there's been discrimination, you have to use whatever evidence is available. Doing away with the ability to use statistical data is tantamount to making it almost impossible to make a case." (*Washington Post*, August 15 and 16)

August 1985

The Public Health Service's National Center for Health Statistics has been keeping track of the births, illnesses, disabilities and deaths of Americans—and a host of other health facts—for 25 years. Critics have voiced concern that Reagan Administration budget cuts may have undermined some of the center's record-keeping ability, particularly the frequency of surveys. The Center's Director, Dr. Manning Feinleib, acknowledged that "government-wide constraints on budget and positions have resulted in changes in the original periodicity" of some surveys. (*Washington Post*, August 23)

August 1985

To save storage and mailing expenses, Department of Agriculture officials are junking thousands of copies of county soil profiles that cost the government large amounts of money to produce and publish. One clerk estimated that 40,000 surveys, some as thick as telephone books, will be dumped. County soil surveys and maps are vital tools to farmers, developers, land appraisers, home builders, engineers and recreation planners in determining what can be done on which soils. Over the years, the Department has compiled surveys for 1,908 counties. The survey trashing was ordered by the Soil Conservation Service, which oversees the compilation and distribution of the documents. The division decided that it would be the most cost-effective way of solving a budget problem, and would save \$67,000 a year by giving up storage for which it is charged "rent" by the General Services Administration. It was estimated that it would cost \$57,000 to send the surveys to the respective states. However, some copies will be available to the public in state capitals. (*Washington Post*, August 28)

- September 1985 The September *AGNET Newsletter* (University of Nebraska-Lincoln) informed readers that AGNET, an electronic system, would carry a reduced number of U.S. Department of Agriculture reports in the future. "The reason for this is USDA's new EDI (Electronic Dissemination of Information) system developed and run by Martin Marietta Data Systems. Even if current technical problems can be worked out, the cost structure will not allow us to recover our expenses of retrieving most reports. MMDS is charging five cents/line to view the menu of available reports, and two cents/line for transmitting the reports—including blank lines. The line charges are in addition to long distance and connect charges. . . . Since Central AGNET is a self-funded operation (not tax supported), we cannot subsidize projects or absorb costs we are unable to recover." The newsletter pointed out to their clients that the option exists to contract directly with MMDS, but advised that there is a \$150/month minimum fee. (See February 1984 "Less Access. . ." entry.)
- September 1985 In a September 17 letter to Defense Secretary Caspar W. Weinberger, the presidents of 17 American scientific and engineering societies accused the Defense Department of creating a new system of classification on research and declared that their organizations will no longer sponsor restricted sessions at their meetings. The effect of the presidents' actions would be to shut out from their society meetings the papers of any defense-funded scientists working in "sensitive" but nevertheless unclassified areas. The letter said, in effect, that if the Pentagon wants certain subjects restricted, it should take them out of open meetings or set up classified meetings. (*Washington Post*, September 21)
- September 1985 The Department of Education reversed controversial decisions made last spring by its Publications and Audiovisual Advisory Council to bar publication of some education-research materials. The action by Under-Secretary of Education Gary L. Bauer will allow researchers at several federally sponsored education-research laboratories to publish materials that they had agreed to produce as part of their contracts with the agency. The researchers had been asked to halt the publication of some materials by PAVAC to cut the agency's printing costs. Some education researchers charged that the panel had over-reached its mandate to trim spending and had tried to censor the publication of certain types of research. Bauer said, however, that he had found no evidence of censorship. (*Chronicle of Higher Education*, September 25)

November 1985

November 1985 In an essay in the November *Harper's* "Liberty Under Siege," Walter Karp uses a chronological format to document what he considers "...an unflagging campaign to exalt the power of the presidency and to undermine the power of the law, the courts, the Congress, and the people." His chronicle is not a secret history, but a record of events which have been reported in daily newspapers. Karp warns: "When a concerted assault on the habits of freedom ceases to shock us, there will be no further need to assault them, for they will have been uprooted once and for all."

November 1985 "A dozen annual reports recently were placed on the hit list of the White House budget office—and five of them come out of ED. The reasons cited by the budget office for refusing to fund publication of the reports: The annual report of the Centers on Education Media and Materials for the Handicapped contained no useful information not reported elsewhere; the annual report of the National Advisory Council on Continuing Education duplicates other reports, the biennial report of the Office of Education Professional Development was moot because the office was abolished in 1981; and two reports on the allocation of ED employee time by work-years contained information already provided in annual budget requests." (*American School Board Journal*, November 1985)

November 1985 Then Assistant Education Secretary Anne Graham was criticized at a November 13 hearing of the House Government Operations Subcommittee on Intergovernmental Relations and Human Resources for her role as chairman of an in-house advisory group that reviewed federal education research projects and blocked many from being published. In her testimony Graham said that the advisory group was established in response to OMB's Bulletin No. 81-16 which provided procedures and guidelines to implement the President's April 1981 moratorium on the publication and creation of periodicals, pamphlets and audiovisual products until systems were established and approved by OMB. (See April 1981 entries in "Less Access to Less Information By and About the U.S. Government.") In a November 15 article in the *Washington Post*, Rep. Ted Weiss (D-NY), who chaired the hearing, said: "The hearings confirmed that there is no legal role for PAVAC in educational research or program development." He added that "PAVAC's real impact is restricting the free flow of information necessary to improve education in our country." [Ed. note: PAVAC, the Publication and Audiovisual Advisory Council, has been restructured and is now called the Publications Review Board.]

November 1985

A U.S. District Court judge ruled that federal agencies must tell the public the topics of regulations that are under consideration and how long the agencies have been considering them. The ruling said that disclosure of such "limited information" under the Freedom of Information Act would "at most" allow the public "to ascribe responsibility for delay to a particular agency." Though the ruling—that "regulatory logs" are public information—seems on the surface to be a technicality, the Public Citizen Health Research Group which brought the suit against the Department of Health and Human Services contends it could have important consequences if widely applied in practice. President Reagan gave OMB authority early in his presidency to review all significant government regulations, and critics have long charged that the Administration uses the OMB to stall and eventually kill regulations without public scrutiny. Robert Bedell, an OMB deputy administrator, said that OMB tells the heads of virtually all agencies whether their proposed regulations are consistent with the Administration's principles. The Public Citizen Health Research Group has been lobbying the Food and Drug Administration since 1982 to require a label warning parents not to give aspirin to children with flu or chicken pox. (*Washington Post*, November 28)

December 1985

ALA joined the American Council of the Blind, the Blinded Veterans Association, and Playboy Enterprises, Inc., in filing a complaint against the Librarian of Congress who followed the intent of Congress to deny FY 1986 funds for the braille edition of Playboy under LC's books for the blind and physically handicapped program. The suit was filed December 4 in U.S. District Court for the District of Columbia, and announced at a Dec. 4 press conference at which Reps. Vic Fazio (D-CA) and Jerry Lewis (R-CA) said they would submit an Amicus Curiae brief in support of the suit.

ALA President Beverly Lynch, speaking at the press conference, said the Congressional amendment which caused the LC action restricts and suppresses access of the blind to viewpoints, ideas and information expressed in a single, lawful magazine, otherwise available to sighted readers, solely because the government deems those ideas to be dangerous, bad, immoral or otherwise undesirable. The suit requests a judgment either declaring that the Wylie amendment does not prohibit LC from producing *Playboy* in braille or ruling the intent of the amendment to be unconstitutional.

The issue arose on July 18 when the House accepted an amendment to HR 2942, the FY '86 Legislative Branch Appropriations Bill, offered by Rep. Chalmers Wylie (R-OH) to reduce the Library of Congress budget by \$103,000. The text of the amendment did not indicate the purpose of the amendment, but Rep. Wylie's remarks made clear its intent was to prohibit LC from reproducing and distributing *Playboy* in braille. The vote and remarks appear on pp. H5932-35 of the July 18 *Congressional Record* (daily edition). The Senate did not restore the funds. HR 2942 was later given final Congressional approval and signed into law (PL 99-151) November 13. (News Release: American Library Association, November 1985)

December 1985 A group of 15 independent documentary film makers and production companies filed suit on December 5 in the Los Angeles Federal District Court, charging that the federal government had severely limited the distribution of their films abroad because of differences in political ideology. The film makers charged that regulations issued by the United States Information Agency were being used "as a political censorship tool to hinder distribution" of their films. The film makers asked a federal judge to order that six films be given the certification they say is necessary to make foreign distribution realistically possible. The subjects of the films include childhood in America, uranium mining, nuclear war and Nicaragua. The film makers say that unless USIA issues a certificate stating that a film is educational, scientific or cultural in nature, the films are subject to high import taxes from the foreign countries and voluminous paper work that makes distribution to schools and libraries abroad virtually impossible. (*New York Times*, December 6)

December 1985 The Office of Personnel Management, in a move prompted by the prosecution of former Navy intelligence analyst Samuel Loring Morison, asked the military services for nominations to "Security Hearing Boards" that could lead to the summary removal of civilian employees "in the interests of national security." OPM said that the plan had been shelved, at least for the moment, in light of Morison's post-conviction resignation from the government. But at the Defense Department, officials said they were still mulling the OPM request. An OPM spokesman, said that the "presidential instructions" cited in a December 2 letter from OPM Director Constance Horner to the secretaries of the Navy, Army and Air Force were issued by President Dwight D. Eisenhower in a 1953 executive order that laid the basis for the Federal Loyalty-Security Program of the 1950s. (*Washington Post*, December 14)

- December 1985 After it was revealed in the news media on December 11, the White House announced that President Reagan signed a secret directive requiring thousands of Administration officials and perhaps some Cabinet members, to submit to polygraph tests as part of a counterespionage crackdown throughout the government. The President signed National Security Decision Directive 196 on November 1. It applies to officials with access to "sensitive compartmental information" (SCI); more than 182,000 federal employees and contractor personnel would be subject to the tests. (*Washington Post*, articles on December 12, 20, 21 and 25)
- NSDD 196 is classified, thus it is not known if it contains a prepublication review system for speeches and writings of current and former government employees. However, such a system is already in effect. According to a June 1984 General Accounting Office report, every employee with access to SCI is being required to sign a lifelong prepublication censorship agreement, Form 4193. (See "Less Access. . ." item, June 1984)
- December 1985 Despite Congressional and public pressure for an opportunity for further review of the final draft, OMB issued its policy directive, OMB Circular A-130, Management of Federal Information Resources, on December 12. The text was published in the December 24 *Federal Register*, pp. 52730-51, with corrections in the January 6 *FR*, p. 461. A provision that agencies must arrange to make government publication available to federal depository libraries was added to the final version in response to public criticism of the controversial first draft published in the March 15 *FR*.
- The basic considerations and assumptions have been amended and broadened to reflect criticism that these statements in the March draft were too narrowly conceived. However, the final circular requires cost-benefit analysis of government information activities, "maximum feasible reliance on the private sector" for the dissemination of government information products and services, and cost recovery through user charges where appropriate.
- December 1985 While trying to help a friend find a government job, a Washington-area man found that locating the phone numbers to find the jobs is difficult. He found that most government agency employment hot lines are unlisted, but uncovered about 70 of those unlisted numbers. To make the task easier for the public—and money on the side—Ed Streeky has published his own phone listings *The Book: A Directory of Federal Job Information Phone Numbers Plus Unlisted Numbers for Dial-a-Vacancy 24-hour-hotlines*. It retails for

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\$6.95 in Washington bookstores. ("Finding Federal Job Hot Lines Can Be Harder Than Finding Jobs," *Washington Post*, December 28)

December 1985

In an article in the December 20 *Publisher's Weekly*, "New Dangers to Press Freedom," Martin Garbus said that the conviction of Samuel Morison in a Baltimore Federal Court on October 17, 1985, creates a serious danger to publishers. "The case has received little attention from the publishing community, but it should; for the prosecution is part of a larger Reagan administrative strategy to cut down on leaks and their appearance in books, newspaper articles and television reports."

December 1985

In a December 23 editorial, the *Washington Post* said that damage may be done by the OMB circular issued with the "sleep-inducing title 'Management of Federal Information Resources.'" It observed that "the proposal would likely reduce the number of printed government publications available in libraries or at low cost and increase the already widespread practice of private outfits interfacing with government computers and providing printouts for users at hefty fees." The editorial concluded: "It is saving pennies and squandering dollars for the government, in the name of cost-cutting, paperwork-reduction, and privatization, to starve the statistical agencies and choke off the flow of federal statistics from the government agencies to the people. Rep. Glenn English (D-OK) spoke out last spring against the earlier draft version of this circular, and OMB made some improvements. But there's still plenty for Mr. English and others in Congress to complain—and do something—about." ("Privatizing the Numbers," *Washington Post*, December 23)

December 1985

Herbert I. Schiller urged "a national debate about the character, objectives and direction of the information society" in a December 28 article in the *Nation* titled, "Information—A Shrinking Resource." He believes that the national information supply is an endangered resource, particularly threatened by the privatization and commercialization of government information.

December 1985

The Treasury Department has been releasing its daily cash balance to a California computer service a day before it is released to the general public. The 150 subscribers to the \$1200-a-year service include a handful of the 36 primary bond dealers. After Dow Jones and Co. news wires carried a report about the 18 1/2-hour gap, the Treasury announced it will formally release the cash balance data

at 4 p.m. to anyone who wants it starting December 30. One money market economist, who had not been aware of the commercial computer service, said of the two-tiered release: "No one is supposed to get a proprietary advantage where sensitive government information is concerned." A government bond dealer added: "Why does Treasury have to go through a private vendor to release public information?" Treasury officials indicated the early release was established without full consideration of its effect on financial markets. (*Wall Street Journal*, December 30)

January 1986

In a January 7 letter to the editor, Wendy L. Gramm, Administrator for Information and Regulatory Affairs, Office of Management and Budget, challenged the *Washington Post's* assertion that statistical programs have been "hacked away at" by the Administration. Replying to a December 23 editorial, "Privatizing the Numbers," Gramm said: "No one is proposing to stop furnishing necessary information. No one is proposing to dismantle our federal statistical structure." She went on to say: "OMB's new policy does not provide . . . that the public be cut off from government information." Gary D. Bass, Executive Director of OMB Watch, in a January 21 letter to the *Post* charged that Gramm's letter "greatly misled the public."

January 1986

Due to budget cutbacks, the U.S. Department of Agriculture can no longer report to the nation the total poundage of food consumed per capita in the United States. The information has been lost primarily due to the discontinuance of crop reports from USDA. The Food Institute says that the information as now published prevents food industry researchers from making any meaningful comparisons in the fruit and vegetable areas, such as comparing changes in the national diet (like the changeover from animal to crop products), and a host of other analyses. (Dear Friend letter from Frank J. Panyko, Vice President of The Food Institute, January 13)

January 1986

The Administration is considering a change in federal reporting requirements that would eliminate a major source of data about how much federal grant and contract money goes to minority firms. Administration officials said that the OMB and the Commerce Department may adopt a reporting form similar to one now used by Commerce to track how federal grants are spent. Although the Commerce questionnaire asks about funds spent with minority contractors, it requires no data on how money is spent with subcontractors. Subcontracting is a major source of federal funds for minority businesses which often are too small to bid for the overall

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contract. Rejection of data-collection plans and the move toward a standardized, abbreviated information-gathering form have led critics to charge that the Administration wants to do away with most racial data gathering. (*Washington Post*, January 14)

January 1986

The Federal Election Commission announced that "drastically curtailed public disclosure of federal campaign finance information will result from a series of budget cuts forced upon the FEC." Effective March 1, the computerization of itemized information filed by political committees on the '86 election will be reduced severely, although candidate and political committee reports will continue to be available on microfilm for public review and copying. Among the effects of the reduction in computerization will be a reduction in timeliness, since data entry time probably will double; accuracy of detailed information may be reduced because less expensive methods of data entry will be used; and availability of detailed information will be reduced. (FEC, news release, January 30)

Stepping into the breach is Washington Online's Campaign Contribution Tracking System which includes all FEC reports filed since 1983 and costs \$3,500 in annual subscriptions for unlimited usage. ("Databases," no date)

January 1986

At its Midwinter Meeting, ALA Council passed a resolution urging ALA members to monitor the effects on government information and publications of the implementation of OMB Circular A-130, Management of Federal Information Resources, and to report problems to the ALA Washington Office, Members of Congress, and OMB.

February 1986

As was proposed last year, the President's budget would again eliminate all postal revenue forgone appropriations. If enacted, this would mean that as of October 1, 1986, those eligible for free mail for the blind would have to pay the full cost of this mail; and major increases would take effect in all subsidized rate categories including nonprofit bulk mail, classroom publications, and the fourth-class book and library rates. Since rates as of January 1, 1986, are at full attributable cost levels, enactment of the budget would eliminate all indirect subsidy and result in regular commercial rates. A two-pound library rate book package would be \$.94. (OMB, *Budget of the United States Fiscal Year 1987, Appendix*)

- February 1986 For the fifth year in a row, the President's budget submitted to Congress proposed to eliminate the Library Services and Construction Act and Higher Education Act Title II library grant programs. In addition, the budget included proposals for FY '86 to rescind or "unappropriate" all library grant program funding except LSCA I and III where about half the states had already received funds. (OMB, *Budget of the United States Fiscal Year 1987, Appendix*) [Ed. note: These funds were released in mid-April after Congress did not agree to the rescissions.]
- February 1986 In the FY 1987 budget documents, one of the "accomplishments in 1985" announced that departments and agencies eliminated or consolidated 3,848 publications, approximately 25 percent of the federal inventory, to achieve cost avoidances of \$35 million, a 20 percent reduction since 1981. (OMB, *Management of the United States Government, Fiscal Year 1987*)
- February 1986 The Federal Communications Commission will publish summaries rather than the full texts of Notices of Proposed Rulemaking, rule-making decisions and policy statements in the Federal Register. The FCC decided that "publication of detailed summaries would be a reasonable and cost-efficient way of apprising the general public of its actions." *Federal Register* publication of the actual texts of final rules will be continued. Budgetary constraints and the rising cost of *Federal Register* publication were given as the rationale for the cuts. To cut publication costs further, the FCC also amended its rules to enable it to reduce the amount of material published in *FCC Reports*. Hereafter, only those rulemaking decisions and policy statements summarized in the *Federal Register* and not published in *Pike and Fischer* (a private sector service which costs \$1,875 to initiate and \$1,375 for an annual subscription) will be published in *FCC Reports*. (*FCC News, Report No. GN-9, February 24, 1986*)
- March 1986 Birth expectation data is missing from the current (June 1984) Fertility of American Women report from the Bureau of the Census. The supplemental question required to obtain the information was dropped from the Current Population Survey in 1984 because of cost considerations. Martin O'Connell, Chief of the Fertility Statistics Branch at the Bureau, said that the birth expectation data will be provided through external funding sources in the 1985 and 1986 surveys. Collection of the birth expectation data will continue to

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depend on external funding sources unless the importance and use of these data are made known to the Bureau. (National State Data Center Steering Committee *Newsletter*, March)

March 1986

The House Appropriations Committee has directed the Department of Transportation's Research and Special Programs Administration to study charging user fees or contracting with private firms for its aviation information management activities, according to the March 3, 1986, issue of *Aviation Daily*. RSPA is turning data collection functions over to the Transportation Systems Center, which the Department wants to "privatize" in April 1986, according to RSPA Administrator Cynthia Douglass. On April 1, RSPA announced that it will resume production and distribution of Air Carrier Traffic Statistics, Air Carrier Financial Statistics, and Air Carrier Industry Scheduled Service Traffic Statistics. Subscriptions to these publications will be sold by TSC for \$150, \$50, and \$50, respectively. When sold by the Government Printing Office, Air Traffic Statistics cost \$74 and Air Carrier Financial Statistics cost \$16.

March 1986

Budget cuts mandated by the Gramm-Rudman-Hollings balanced budget measure brought on a fiscal emergency at the Library of Congress requiring the elimination of 300 positions, the reading rooms closed on Sundays and most evenings, and significantly fewer items purchased, cataloged, preserved, and made available to the blind. (March 4, *Congressional Record*, pp. E588-9)

March 1986

The federal government's spending on the collection of data about higher education declined by 63 percent between fiscal 1974 and 1984, and spending on education research dropped by 64 percent, according to a study by the General Accounting Office. In the same period, spending on the entire Department of Education rose by 22 percent. At the request of the House Subcommittee on Select Education, GAO is conducting a comprehensive study, expected to be completed by December, of the condition of federally sponsored education research and data collection. Early findings show that reductions in spending on the gathering of education statistics have been disproportionately higher than cutbacks in other statistical agencies. Between fiscal 1980 and 1984, the budgets of most federal agencies devoted to the collection of statistics suffered an eight percent reduction. The budget of the National Center for Education Statistics, however, shrank by 28 percent during that period. The GAO also found that in some instances NCES has decreased the sizes of its samples and the frequency of some types

of data collection activities. That, it said, raised some concerns about the validity and quality of the work done by the agency. (*Chronicle of Higher Education*, March 5)

- March 1986 A federal health official phoned the Department of Health and Human Service's main library to ask for the March 13 issue of the *New England Journal of Medicine*. He reported, "They said that because of Gramm-Rudman we no longer have that journal. "Can you imagine? The top federal health agency!" The HHS librarian, John Boyle, said: "I don't know whether it can be ascribed to Gramm-Rudman, but the department is holding orders. The subscription has expired and is awaiting renewal. We are waiting for money to be approved." (*Washington Post*, March 28)
- March 1986 The Joint Committee on Printing in a March 14 letter to every Representative and Senator, outlined the effects of the Gramm-Rudman-Hollings 4.3 percent cut as of March 1 on the printing and distribution of Congressional publications. They announced that the public will be referred to GPO bookstores to purchase Congressional documents such as bills, public laws, reports, committee prints, hearing records, etc. [Ed. note: See May entry on this issue.] (Dear Colleague letter from Sen. Charles McC. Mathias Jr. and Rep. Frank Annunzio)
- March 1986 At a March 17 hearing, the Joint Economic Committee heard from private economists who said that the quality of the nation's economic statistics is in danger of being destroyed through a combination of budget cuts and bureaucratic neglect. One of the witnesses, Courtenay Slater, was the author of a study commissioned by the committee on problems with government statistics. For information about the the report, "Opportunities for Improving Economic Statistics," contact the JEC, G-01 Dirksen Senate Office Building, Washington, D. C., 20510, 202/224-5771. (*Washington Post*, March 16)
- March 1986 The Defense Department and the Central Intelligence Agency, have initiated a disinformation program which covers 15-20 programs, six or seven of which are Defense Department projects. Deliberately false, incomplete and misleading information, including altered technical information, will be released in order to impede the transfer of accurate technological information to the Soviet Union. A six-inch-thick document outlining the program to the armed services asks for comments "on the use of false requests for proposals, false or misleading information to be given at press

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interviews, inaccurate performance figures for aircraft and weapon systems, and other altered technical information." A Defense Department official said: "If some of the results of the disinformation activity on a particular program get passed on to Congress through hearings or other means, there are channels on the Hill that can be used to get the correct information to the people who need to know." (*Aviation Week & Space Technology*, March 17)

March 1986

In a March 26 letter to Sen. Mathias and Rep. Annunzio, ALA Washington Office Director Eileen Cooke protested that the JCP plans to sell all Congressional documents "... means that participation in an active, meaningful and timely way in the federal legislative process will not depend on the ability to pay." She asked the JCP to reconsider the recently announced restrictions on public access to basic Congressional documents. Cooke sent a letter May 6 to every Senator and Representative urging them to ask JCP to reconsider. Other groups have also protested, and there has been increasing publicity about the proposal in the Washington, D. C., area newspapers. (See "Endless Reams of Legislative Paper May Be Yours... for a Price," *Washington Post*, May 13.) [Ed. note: See May entry on this issue.]

March 1986

In a March 29 column in the *Washington Post*, Jack Anderson and Joseph Spear described the National Wartime Information Security Program (WISP), "the blueprint for press censorship." The broad sweep envisioned for WISP was described in an internal Pentagon memo prepared for a meeting of government planners on September 21, 1983: "The National WISP provides for the control and examination of communications entering, leaving, transiting or touching the borders of the United States, and voluntary withholding from publication, by the domestic public media industries, of military and other information which should not be released in the interest of the safety and defense of the United States and its allies." The memo included a bow to the First Amendment: WISP was not to be used indiscriminately—for example, "as a guardian of public morals." Anderson and Spear concluded: "The alarming thing about the Pentagon directive is that it allows the defense secretary to set up a censorship program 'if the United States is believed about to be attacked.' Attacked by whom? The Soviet Union? Libyan hit squads? Killer bees? The directive does not specify. All the defense secretary needs is the president's permission and the news-media is silenced—at gunpoint if necessary."

April 1986

At the request of Rep. Major Owens (D-NY), the House Postsecondary Education Subcommittee chaired by Rep. William Ford (D-

MI) held a library oversight hearing, on April 8 on OMB Circular A-130 and its implications for access to government information; H.J. Res. 244, calling for a White House Conference on Library and Information Services in 1989; and the impact of Administration budget proposals for federal library programs (including LSCA, HEA, the ECIA Chapter 2 school block grant, and postal revenue forgone).

April 1986

The Council on Environmental Quality decided to abolish a rule that requires federal agencies to consider the worst environmental consequences of their actions, contending that the regulation is "unproductive and ineffective." The decision caps a three-year Reagan Administration effort to limit the reach of the National Environmental Policy Act. Since 1970, NEPA has required federal agencies to prepare detailed analyses of the environmental effects of dams, nuclear waste disposal sites, pesticide-spraying programs and other federally financed projects. Final regulations were published in the April 25, *Federal Register*, p. 15618, with corrections on May 7, p. 16846. National Wildlife Federation official Norman Dean said the change significantly weakens existing rules, which require agencies to disclose the absence of information in all instances. "The fact that information is missing in the first place makes it almost impossible to determine if a significant impact is reasonably foreseeable," he said. "Under the new rule, an agency wouldn't even have to identify the fact that information is missing," Dean observed. (*Washington Post*, May 25)

April 1986

The Commerce Department announced a study of alternatives for privatizing the National Technical Information Service in the April 28 *Federal Register*, pp. 15868-70. The notice asked for public comment on privatization alternatives (discontinuing NTIS completely, selling or contracting out all or portions, establishing a public or private special-purpose organization) and on ten key issues including whether government reports placed in NTIS should be copyrighted. In a June 6 letter to the Department of Commerce, ALA Washington Office Director Eileen Cooke urged that NTIS continue to operate either as, or within, a not-for-profit public service agency with continued Congressional oversight.

April 1986

Rep. Glenn English (D-OK) chaired an April 29 hearing of the House Government Operations Subcommittee on Government Information, Justice and Agriculture, to review a controversy about public access to the papers and recordings of the Nixon White House. The National Archives and Records Administration published regulations implementing the Presidential Recordings and

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Materials Preservation Act of 1974 in the February 28 *Federal Register*, p. 7228. Officials from NARA, OMB, and the Department of Justice were questioned about a February 18 Justice memorandum (requested by OMB) which basically allows former President Nixon to control public access to documents of his administration. (OMB Watch, May 9)

May 1986

The Reagan Administration is considering the criminal prosecution of five news organizations for publishing information about American intelligence-gathering operations, particularly intercepted communication reflecting U.S. code-breaking capabilities. "The president himself first revealed the nature of these intercepted messages," said Leonard Downie Jr. managing editor of the *Washington Post*. "What we reported subsequent to that—details of the intercepts—did not do anything more to reveal our intelligence capabilities than the president himself did." (*Washington Post*, May 7)

May 1986

Speaking to a group of students on May 21, President Reagan said that the problem of hunger in the United States is caused by "a lack of knowledge" about where to obtain help. Critics responded by blaming administration policies. J. Larry Brown of the Harvard School of Public Health, chairman of the Physicians Task Force on Hunger in America, said the Administration had eliminated a program to inform people about food stamps benefits. (*Washington Post*, May 22)

May 1986

A public notice in the May 22 *Congressional Record*, p. H3161, announced that effective June 2 new procedures for public distribution of Congressional documents would be instituted at the House and Senate Document Rooms. Public distribution of both House and Senate materials will be handled only through the Senate Document Room located in Room B-04, Hart Senate Office Building. The public will be entitled to receive one free copy of any bill, report, resolution, public law or other document typically distributed in the Document Room. Additional copies may be purchased. The public still may obtain copies of committee prints and hearings from individual committees. Once the committee supply of each document has been exhausted, the public may purchase additional copies from GPO's Congressional Sales Office, North Capitol and G Streets, N. W., Washington, D. C., 20401.

May 1986

"The Pentagon, concerned with the flow of high technology to the Soviet bloc, is trying to limit foreign access to government and

commercial computer data bases that contain sensitive technical information. A range of legal and technological options are now under exploration, from licensing access to high-tech data bases to planting special computer programs within the data bases to monitor who is seeking what information. Government officials concede, however, that they face formidable obstacles in devising a workable system, including such questions as whether data bases enjoy the same constitutional protections as other media and how to implement restrictions in ways that won't deny data-base benefits to American users." (*Washington Post*, May 27)

June 1986

OMB has agreed to fuller disclosure of its role in reviewing proposed federal regulations. All original versions of draft and final rules sent to OMB will now be made public upon request, along with OMB's written suggested changes and reasons for them. At present, only the published version of a rule—in which OMB's revisions cannot be tracked—is available. Sen. Carl Levin (D-MI) said: "No longer will OMB operate within the shade-drawn, doors-closed, no-fingerprints environments in which it has operated for the past five years." Sen. David F. Durenberger (R-MN), and Reps. John D. Dingell (D-MI) and Jack Brooks (D-TX) are other leaders of a bipartisan group of congressmen who are threatening to cut OMB funding by the \$5.4 million required to run the Office of Information and Regulatory Affairs, currently headed by Wendy Lee Gramm. (*Washington Post*, June 17)

June 1986

At a joint hearing on June 18 of the House Post Office and Civil Service Committee and the Senate Committee on Governmental Affairs, members of the Postal Rate Commission presented results of a Congressionally mandated preferred rate mail study. Among their recommendations are: 1) recalculating the revenue forgone in a way which would reduce the appropriation by some \$265 million a year; 2) eliminating the revenue forgone appropriation entirely (except for the small amount needed for free mail for the blind and free voting-rights mail) by amending the rate-making statute to provide separate subclasses for the eligible nonprofit mailers; and 3) restricting eligibility for advertising or commercialized uses of the nonprofit rates. The report recommends ending eligibility for publishers and distributors for books and other qualifying material they mail to libraries and other eligible institutions.

June 1986

A House Government Operations Committee report concluded that legal ambiguities, practice limitations, and economic constraints may allow federal agencies to restrict unduly the public availability

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of government data maintained electronically. The result could be diminished public access to federally operated public data bases; increased agency power over data users and information system contractors; and unnecessary government interference in the marketplace for information products and services.

The report recommends that: agencies use the new information technology to broaden and improve public use of government information; more administrative guidance on the development and use of electronic information systems be provided; agencies consult regularly with those affected by electronic information systems; competitive procurements be used for the acquisition of automated information products and services; and laws that have been interpreted to allow agencies to maintain exclusive control over electronic data bases be modified. (House Committee on Government Operations, "Electronic Collection and Dissemination of Information by Federal Agencies: A Policy Overview," House Report 99-560, April 29)

June 1986

Due to budgetary constraints, the Federal Communications Commission has been unable to make available current editions of the loose-leaf version of its rules and regulations. The latest edition of all volumes, excluding Volume 1, available from the Government Printing Office is the October 1982 edition. Volume 1 has been updated through September 1985. The 1982 edition of the rules will be discontinued immediately. However, the current status of any of the Commission's rules may be determined by obtaining a copy of the appropriate book in Title 47 of the October 1985 edition of the Code of Federal Regulations also available from GPO. The use of this annual publication in conjunction with the current edition of the monthly rules index entitled "LSA-List of Sections Affected" should provide users with the most current rules changes. It is the Commission's intention to continue with the loose-leaf version of its rules when possible. (FCC, "Public Notice," June 19)

June 1986

Authors and publishers of two forthcoming books on U.S. intelligence said yesterday that Central Intelligence Agency Director William J. Casey had warned them that he believes they could be violating the law if their books include any secret "communications intelligence." Casey issued the warnings in telephone calls to Bob Woodward of the *Washington Post*, who is writing a book about Casey and the CIA, and to Seymour M. Hersh, who writes for the *New York Times* and whose book involves the downing of a Korean

Air Lines jet by the Soviets in 1983. Casey called their publishers to deliver the same message. Woodward said that he took the call as a "friendly warning" from Casey. "There was nothing blustery about it," he said. "My response was that I'm aware of his position and I take it into consideration but will feel my first allegiance is to write and publish what people need to know." ("Casey Warns Writers, Publishers About Putting Secrets in Books," *Washington Post*, June 26)

July 1986

Many economists and workplace experts are dissatisfied with the way the federal government measures workplace trends. The unemployment rate, determined in a monthly survey of households by the Bureau of Labor Statistics, once was the pivotal measurement of job needs and social distress. Now, some experts say, the Bureau's other major monthly survey, a survey of businesses based on payroll records, provides a more useful measurement of employment trends. The surveys are designed to complement each other, so that one would illuminate areas of the economy that the other misses. The unemployment rate is important because it is used as a key indicator of national economic health and because funds under a number of federal programs designed to assist workers and communities in economic distress are apportioned according to unemployment figures. Critics of the statistics say that the rate does not adequately measure unemployment among blacks and many other urban residents and does not measure economic distress in rural areas. ("U.S. Measure of Unemployment Raises Doubts Over Its Accuracy," *New York Times*, July 22)

July 1986

Federal policy changes in the 1980s have loosened, and in many cases eliminated contractors' reporting requirements for new technology. "In so doing, we have exchanged the future health of our nation's industry for an easier workday for federal contractors. The government made this error when it reversed a longstanding policy of claiming the first rights to all patents resulting from federally funded R&D work." The government decided to give contractors the first rights to all patents in hopes that they will do a better job of commercializing their inventions than federal agencies. These changes have merit in cases where contractors are interested in commercializing their advances. But unfortunately, the government also canceled the requirement that contractors file reports about improvements that are not unique enough to be patented. In 1980, Admiral Hyman G. Rickover warned that the bill incorporating these changes "would achieve exactly the opposite of what it purports. It would impede, not enhance, the development and dissemi-

July 1986

nation of technology. It would hurt small business. It would inhibit competition (and) would be costly to taxpayers." The less stringent reporting requirements allow contractors to use the technology they develop as trade secrets. While these trade secrets give individual contractors an edge in competition, they hurt American industry in general. And, a new process benefits no one if the contractor that develops it does not bother to use it. (N.J. Goldstone, "How Not to Promote Technology Transfer," *Technology Review*, July 1986)

July 1986

About 100 persons, including several ALA and Government Documents Round Table representatives, participated in the workshop held July 30 by the National Technical Information Service to discuss privatization alternatives. The great preponderance of comments were from the library community on the usefulness of NTIS which, as a part of the Commerce Department, provides for the centralized collection, announcement, and dissemination of U.S. government-sponsored research and development reports and translations of foreign technical literature.

Librarians questioned the motives of the OMB in requesting the privatization study, since NTIS already leases its data base to commercial firms, and covers its direct costs through such leasing and selling of reports. Other questions raised were whether agencies and foreign governments would continue to provide reports to a privatized operation, and whether NTIS, if privatized, would continue to archive and make available specialized reports which sell only a few copies. Higher prices from a private source was a principal concern. ("NTIS Privatization Study," *ALA Washington Newsletter*, August 28)

August 1986

Fred Jerome, Director of the Media Resource Service which puts journalists in touch with scientists who have agreed to answer media questions in their areas of expertise, charges that the U.S. government—specifically the Department of Energy and the Nuclear Regulatory Commission—issued gag orders instructing their employees not to talk to journalists during the Chernobyl crisis. C. Anson Franklin, DOE Director of Communications, denies there ever was any gag order. He says DOE employees around the country were simply "encouraged to avoid speculation but, of course, could respond to questions of fact." That's not the way Sue Stephenson, senior public affairs officer at the Livermore Lab remembers it: "I was told in no uncertain terms to stop talking to reporters and to stop my people from talking to reporters."

In his article Jerome asks: "Was the gag order simply bureaucratic bungling? Or was it something more ominous—part of an emerging administration policy to restrict the release of information during times of crisis? . . . Wherever it originated, the Chernobyl gag order does seem to reflect a pattern; more and more, U.S. government officials are restricting information. . . . In a democracy, government gag orders don't curtail media coverage. Instead, they cause the press and the public to wonder what those who gave the orders are trying to hide." ("Gagging Government Scientists: A New Administration Policy?" *Technology Review*, August/September 1986)

September 1986

In a September 9 letter to Senator Charles McC. Mathias Jr. (R-MD), then chair of the Joint Committee on Printing, Public Printer Ralph E. Kennickell Jr. announced that as of October 1, the Government Printing Office planned to discontinue hard copy for all dual format (microfiche and paper) documents sent to depository libraries. Kennickell's letter cited reduced appropriations as the impetus for the sudden decision. The publications included were a large and significant portion of the material being sent to depository libraries and included highly visible and frequently consulted titles like the *Federal Register*, the *Code of Federal Regulations*, the *Congressional Record*, and all Congressional hearings and reports. ALA, its Government Documents Round Table, and many depository librarians wrote and called their legislators and GPO opposing the elimination of hard copy. Congressional offices received over 300 telephone calls and letters asking for intervention in the GPO plan. There was objection to the material involved, to the short notice given, and to the lack of consultation with depository librarians. Senator Mathias instructed GPO to put the plan on hold in an October 3 letter. JCP and GPO officials are still trying to determine how GPO will make needed budget savings without undermining the intent of the depository library program.

September 1986

In an article in the *Detroit Free Press*, Larry Olmstead discussed problems journalists have covering the news in Southern Africa. He said: "The value of information, and suspicions about those gathering it, both are heightened in a nation where it's hard to come by. When a government dislikes fully informing its citizens, anyone seeking information becomes a threat, whether the person is a spy or not." ("Information is touchy in nations that limit it," *Detroit Free Press*, September 21)

September 1986 After a storm of criticism, the Administration announced that it was suspending a Presidential directive requiring hundreds of thousands of officials to submit to lifelong censorship. However, since 1981 all government employees with access to certain widely used intelligence data have been required to sign Form 4193, which covers the same ground as the directive. According to a September 1986 General Accounting Office report, "Information and Personnel Security: Data on Employees Affected by Federal Security Programs" (GAO/NSIAD-86-189FS), more than 290,000 present and former federal employees have now promised to submit material to prepublication review, and thousands of them did it in the last year. Not included in the figures are the Central Intelligence Agency and the National Security Agency, which set similar requirements for their employees. The number of books, articles or speeches submitted for review is rising: 12,934 in 1984 and 14,144 in 1985. According to GAO, in 1985 the number of known unauthorized disclosures of classified information made through published writings or speeches by then-current employees was five and by former employees was two. In 1985, approximately 136 employees used about 12,810 working days for prepublication reviews.

When the issue arose two years ago, civil liberties groups decried the reviews as a impermissible restraint on free speech and debate of officials involved in national security. They noted that a full account of historical events often emerged years later, when participants wrote memoirs, articles or speeches. ("Security Rule Died but Lived On," *New York Times*, October 23)

September 1986 "The Federal Election Commission, which as a result of budget constraints has significantly cut back on the information it provides about individual campaign contributors, is seeking to prevent a private company from selling data about large donors. Public Data Access, Inc., a New York firm, working from FEC records of contributors of \$500 or more, sells detailed breakdowns of contribution patterns among officials of specific companies, of donations to different Members of Congress and other computer analyses.

In an advisory opinion, the FEC declared that the company's sales violated prohibitions against commercial use of FEC contributor data. The firm's Michael Tanzer countered: 'We believe that what we are doing is perfectly legal' and that the FEC's attempt to close the company is 'unconstitutional.' Tanzer said Public Data Access will continue to sell the information in defiance of the FEC. A spokesman for the FEC said the agency may take legal action, but

that such a move would require either a complaint from an outside party, or a decision by the commissioners themselves." ("Record Sales," *Washington Post*, September 23)

October 1986

Hefty price increases have been applied to several of the most popular and essential government documents. As of October 1, the subscription price of the *Federal Register*, in which federal regulatory documents are first published, will be \$340, a 13 percent increase over the current price of \$300 (July 29 *FR*, p. 27017). The *United States Government Manual, 1986-87*, the official federal government handbook and directory, is \$19, a 27 percent increase over the 1985-86 edition, which was \$15. This follows price hikes for the two previous years of 25 percent (\$12) and 33 percent (\$9) for a paperback which has remained at a little over 900 pages. The *Manual* has risen 111 percent in price over the last four years.

October 1986

An article by Bob Woodward revealed that the Reagan administration launched a secret and unusual campaign of deception designed to convince Libyan leader Moammar Gadhafi that he was about to be attacked again by the United States and perhaps be ousted in a coup. The secret plan, adopted at a White House meeting on August 14, was outlined in a three-page memo that John M. Poindexter, then National Security Adviser, sent to President Reagan. "One of the key elements" of the new strategy, the Poindexter memo said, "is that it combines real and illusionary events—through a disinformation program—with the basic goal of making Gadhafi *think* [word underlined in the original] that there is a high degree of internal opposition to him within Libya, that his key trusted aides are disloyal, that the U.S. is about to move against him militarily." ("Gadhafi Target of Secret U.S. Deception Plan," *Washington Post*, October 2)

An October 5 *Post* editorial condemned the disinformation plan and concluded: "The government is not meant to be in the business of organized lying to the public."

October 1986

A two-page article in the *San Francisco Examiner* described what the author, J.E. Ferrell, calls a "sticky public policy problem: Should taxpayers, having paid the federal government to collect data, receive that data free? Or should the government, recognizing that such information is a product of increasing monetary value, sell it to Americans to provide desperately needed revenues?" ALA policies on this question are quoted and she points out that computers installed in libraries could guarantee everyone

free access to government information. Examples of approaches to disseminating information are provided from the Federal Election Commission, the Department of Agriculture and the Patent and Trademark Office.

The article concludes:

What has happened in the last five years is a disorganized, piecemeal approach to developing a government policy on information dissemination that leads to situations like this: On May 21, President Reagan said the problem of hunger in the United States is caused by 'a lack of knowledge' about where to obtain help.

But the 1981 Omnibus Budget Reconciliation act prohibited the use of food stamp money to tell people about the food stamp program. That meant no pamphlets about the program could be published and no funds could be provided for an official to tell people—for example, senior citizens and poor families who are not on welfare but do not make enough money to feed their children—that they may qualify for the program.

("Should we pay twice for federal data? Information now a valuable product," *San Francisco Examiner*, October 2.)

October 1986

The House Committee on Government Operations found that the Office of Management and Budget abused its authority under Executive Order 12291 in reviewing the rule proposed by the National Archives and Records Administration governing access to the Presidential historical materials and tape recordings of the Nixon Administration. The Committee also found that the Department of Justice Office of Legal Counsel Opinion of February 18, 1986, cannot, as a matter of law, dictate the Archivist's exercise of his authority and responsibilities under the final rule. In addition, the Committee concluded that NARA has failed to respond to the challenge to its statutory and regulatory authority posed by OMB and the Office of Legal Counsel of DOJ. (House Committee on Government Operations, "Access to the Nixon Presidential Materials Should Be Governed by NARA Regulations, Not OMB or DOJ Actions," House Report 99-961, October 3)

October 1986

House Report 99-978, "The Department of Education's Limits on Publications: Saving Money or Censorship?" issued by the House Committee on Government Operations on October 8, charged that

the Department of Education has censored the publication of many research and classroom materials. The report contended that the department had tried to cover up the alleged censorship by maintaining that it was merely trying to trim federal spending when it refused to finance the printing of certain documents. The Committee concluded a year-long investigation by saying that ED had wrongly refused to publish some materials that contained messages contrary to the Administration's policies and had wasted federal dollars by using a publications-review process that in some instances cost more to review documents and decide whether the government would pay for publishing them than it would have cost to print them. The Department's review system was set up soon after President Reagan took office and ordered all federal agencies to cut down on the publication of brochures and audio-visual materials that were not essential. The Committee said that the Department's system was far more restrictive than the President had required. Education Department officials dismissed the charges in the report. ("House Panel Report Accuses Education Department of Censoring Publications," *Chronicle of Higher Education*, October 29)

October 1986

The Office of Management and Budget told the Department of Education's Adult Literacy Initiative that its survey of adult literacy activities lacks "practical utility" and cannot be conducted. The ALI had argued that the survey would be an "essential component" of its activities. In July 1986, ALI requested OMB approval of a proposed study of approximately 100 representatives of state governor's offices, state Adult Basic Education directors, local government, and the private sector. With the data from these interviews, ALI would determine the scope and nature of state literacy initiatives and identify exemplary programs. Reportedly, ALI gave up on the proposal following OMB's objections. ALI believes that information collected through various informal sources will be adequate. (OMB Watch, *Monthly Review*, November 26)

October 1986

The Paperwork Reduction Act of 1980 provided the Office of Management and Budget its authority to develop and supervise federal government information policies and activities, and established OMB's Office of Information and Regulatory Affairs. OIRA had generated Congressional criticism with its development of Circular A-130, Management of Federal Information Resources, and the Act had been allowed to expire. However, in a surprise move and without hearings, the Act was reauthorized for three years in title VII of the FY 1987 omnibus funding bill (H.J. Res. 738, PL 99-500). (In

daily editions of the *Congressional Record*, see October 15, pp. H10699-702, for reauthorization text; October 16, pp. S16739-45, for a statement by Sen. Chiles (D-FL); and October 17, pp. S16876-77, for a statement by Sen. Roth (R-DE).)

October 1986

In a move which should make it less expensive for many users of the Freedom of Information Act, amendments to FOIA included a new fee schedule effective April 25, 1987, which limits the agency cost to a reasonable standard charge for document duplication when records are not sought for commercial use and the request is made by an educational or noncommercial scientific institution whose purpose is scholarly or scientific research, or by a representative of the news media. The Freedom of Information Act Reform Act of 1986 was included as Subtitle N of the antidrug abuse bill (HR 5484, P, 99-570). (See October 15 *Congressional Record*, pp. H11233-34, for final text of the FOIA changes.)

October 1986

On October 29, 1986, John M. Poindexter, then National Security Adviser, signed NTISSP No. 2, National Policy on Protection of Sensitive, But Unclassified Information in Federal Government Telecommunications and Automated Information Systems. The new guidelines, to be implemented immediately by federal agencies, restrict the release of a broad range of government information that is unclassified, but considered "sensitive." Included are "the wide range of government-derived economic, human, financial, industrial, agricultural, technological, and law enforcement information."

A November 13 *Washington Post* article, "U.S. Limits Access to Information Related to National Security," reported statements by Diane Fountain, Director of the Pentagon's Information Systems Directorate, about the national security community's concern that individuals with personal computers here or overseas could easily access sensitive material on computer data bases such as Mead's Nexis and Dialog. The government is also exploring steps to curtail access to the defense related information in the government's National Technical Information Service and the Defense Technical Information Center. She said: "I don't believe the issue is whether or not we're going to protect—the issue is what we're going to protect and how." A December 8 *Business Week* editorial observed: "Once under way, censorship like this typically expands relentlessly. Already, one Pentagon official wants to license foreign users of Commercial U.S. data bases and to develop software that would reveal who is using a data base and what data they are calling up."

November 1986 The Pentagon is quietly pressuring commercial satellite operators to take costly precautions against terrorists and pranksters, even though many industry officials are convinced the safeguards are unnecessary and a waste of money. The controversial satellite-security policy is based on a Presidential directive. The directive gives a military-led government task force the authority to protect all types of government information and communications. Critics contend that it could also put the vast amounts of computerized information on individuals under the control of the military.

"Assistant Defense Secretary Donald Latham disagrees and argues that the precautions are essential to protect sensitive government information. Because not all government information falls into existing categories of classification, the directive created a new category—not yet defined—of material that can be kept from the public. The Pentagon has denied that the category is for embarrassing information. That may be so, but the ominous direction the policy could take is suggested by the fact that the National Security Agency refused to let our associate Donald Goldberg see documents that described the debate—even though the documents are not classified." ("Dubious Protection Sought for Satellites," *Washington Post*, November 3)

November 1986 A growing number of federal agencies and Members of Congress are discovering that with little more than a personal computer they can bypass the Postal Service and send news releases directly to reporters in Washington and across the country. The technique, an outgrowth of the electronic mail services offered by some computer data banks, is expanding rapidly because it is quicker and cheaper than the mail. "Some day, we'll stop mailing. That's going to save a lot of money. Millions of dollars," said an information officer who oversees two electronic news services offered by the Department of Agriculture. ("The Release Often Isn't In the Mail," *Washington Post*, November 13)

November 1986 Lamenting the printing drought which has made Congress's printed documents increasingly hard to come by, David C. Morrison in a *National Journal* article says that less well-heeled public-interest groups worry that the new cash-and-carry system will edge them out of the policy discussion. Congressional committees now get only 300 hearing volumes, and those are available primarily to Members of Congress and the news media. Others must now pay about three cents a page for hearings at GPO bookstores. At those prices, organizations already operating on a fiscal shoe-string can confront deficit crises of their own.

"Last year, the House and Senate Armed Services and Appropriations Subcommittees on Defense alone published almost 22,000 pages of testimony. The sheer bulk of this record dictates that users . . . must scrutinize the hearings at length, making annotations for future reference. This cannot be done in a library or in an office of multiple users with access to only one copy. 'It would be as if everyone in the Vatican had only one Bible,' complained William M. Arkin of the Institute for Policy Studies, employing a metaphor that suggests the immense value researchers place on the hearings."

Some hearing volumes cannot be obtained at any price simply because fewer copies are being printed. The hardship is being felt by big and small players. "In Washington, information is power. Because there aren't many copies of these things around, the people who have them are better able to understand what's going on." ("Capitol Hill's Costly Paper Lode," *National Journal*, November 8)

November 1986

A memorandum from the Department of Justice to the heads of all federal agencies says that under current law an agency is not required to grant Freedom of Information Act fee waiver to a library or other record repository when the request for a waiver is based solely upon its status as an institution at which records are generally available. A specific user must be identified. ("Additional Fee Waiver Guidance," Memorandum from Stephen J. Markman, Assistant Attorney General, Office of Legal Policy, November 12)

November 1986

Speaking at the first Interagency Data Center Managers Conference in Raleigh, N.C., Franklin Reeder, deputy chief of the OMB's information policy branch, discussed some of the many complex questions surrounding OMB Circular A-130, Management of Federal Information Resources. He said, "Learn the word benefit-cost analysis. Notice I didn't use 'cost-benefit,' because you can't divide by zero." It is a concept which OMB will be using to evaluate information technology proposals. "We will support investments that show a positive return on investment. We will not support non-mandatory, discretionary investments that do not. That is a fact of life, and if you think we've been hard-nosed in the past, just wait."

Reeder predicted long-term expansion of electronic exchange of data between the government and the public. He said that such efforts raise complicated questions, "We need to be concerned from a policy perspective with who owns that information, with assuring its integrity and with assuring appropriate public access to electronic data bases, something that you will be seeing a good

deal about in the year ahead." ("Officials Detail Beefed-Up Reviews for OMB's A-130," *Government Computer News*, November 21)

November 1986

The federal government has lost access to key data that experts say are vital to running an effective national drug abuse treatment effort. Under old government programs, states getting federal drug treatment money were required to supply the National Institute on Drug Abuse with information about the availability of treatment facilities, the number of clients and details about the drugs they used. Since the shift to block grants, reporting has been voluntary, and only about a dozen states provide information. NIDA has plans to update its data base, but for the moment, the agency is flying somewhat blind.

"We lack the data for determining what current capacity is, what is our demand among drug abusers, how many that use drugs have a severe enough problem to warrant intervention and how many would be willing to come in if treatment were available," according to Dr. Roy Pickens, Director of Clinical Research at NIDA. "At the present time, we can only estimate how many have problems." Lack of benchmark data, Pickens said, not only hurts planning, but means the agency "can't tell if we're being effective." ("Waging War on Drugs," *National Journal*, November 22)

November 1986

Defense Secretary Caspar W. Weinberger has ordered the Pentagon's periodicals budget slashed by 55 percent to \$10 million for fiscal 1987. "Only two years ago, the services had more than \$22 million to spend on the scores of journals and magazines they publish. Particularly hard hit has been the Army, which has seen its planned fiscal 1987 budget for periodicals plummet from \$9.6 million to \$4.3 million, according to the privately published *Army Times* newspaper. The sole Army survivors of a ruthless culling process are *Soldiers*, *Army Reserve* and *Eur-Army*, the latter targeted at U.S. Army personnel serving in Europe. Down the tubes are 41 periodicals published by service schools and other Army organizations, including *Air Defense Artillery Magazine*, *Military Police Journal*, *Military Chaplain's Review* and *Military Media Review*." (*National Journal*, November 22)

December 1986

Earth Observation Satellite Co. (EOSAT), the company trying to commercialize the U.S. government's Landsat satellite system, is running out of money and will have to start shutting down some operations because the Reagan Administration is withholding money for the system. EOSAT manages the Landsat program and

markets the data it collects under a 1985 agreement in which Congress pledged up to \$250 million during a ten-year transition to private ownership. EOSAT said its operation generates about \$20 million a year in revenue but has never been profitable. EOSAT argues that the private sector is unwilling to invest the hundreds of millions of dollars required to build and launch satellites. Landsat was launched in 1972 as a government data-gathering operation that made data available to the public at low cost, as a public service. ("Landsat Management Firm Says U.S. Withholds Funds," *Washington Post*, December 5)

December 1986

"In 1980, the Office of Management and Budget, under the Paperwork Reduction Act, got the authority to review all data collection efforts of executive branch agencies. A pattern of obstructionism, barring certain types of data collection, has been charged by many agencies, and now the House Committee on Science and Technology has asked the General Accounting Office to investigate.

Allegations of improper use of its powers include OMB's hostility to any data collection dealing with minorities and discrimination, questions concerning the environment and public health, and social science research generally. In matters calling for medical or other special scientific expertise, unqualified OMB officers are charged with overruling qualified agency scientists.

The specific agency accused is OMB Office of Information and Regulatory Affairs (OIRA)." (*Library Hotline*, December 15)

December 1986

A *Business Week* article detailed how giving the private sector the job of computerizing government data has led to higher fees for the information. Examples of increased costs to users included the Department of Agriculture, the National Library of Medicine and the Federal Election Commission. "At the Agriculture Dept., for instance, costs have soared in the two years since Martin Marietta Corp. got exclusive rights to the mounds of farm data the department gathers. . . . Administration officials defend the higher prices, contending that new sellers usually enhance government information or put it in a form that's easier to use. But critics argue that a system of data haves and have-nots is being created: Big-business customers can afford to buy while libraries, students, and others cannot. While that dispute rages on, both Congress and the Office of Management & Budget concede that more work needs to be done on finding the best way to computerize government services while guaranteeing public access."

"Even companies that might benefit from a monopoly contract are concerned about the lack of checks on profiteering because they frequently use data provided by other companies. 'The contractor often thinks that this is the golden goose, and he can pull all kinds of profit out of it,' says a source at a major publishing company." ("Computerizing Uncle Sam's Data: Oh, How the Public Is Paying," *Business Week*, December 15)

December 1986

Scientists at the National Institute for Occupational Safety and Health are scheduled to start a major study to find out whether video display terminals cause miscarriages in female workers, but critics charge that changes ordered in the study by OMB will seriously hamper its ability to answer that question. First announced in 1983, the study has been delayed more than two years by OMB, which challenged the study on scientific grounds. OMB first rejected the NIOSH proposal, then in June approved a revised version but ordered NIOSH to delete certain questions on stress and infertility. The deletion of the questions by OMB was prompted by the comments of two outside consultants hired by Bell South—the company whose workers were to be studied—to critique the NIOSH proposal. Other experts have charged that without the questions, the study will not be able to distinguish VDT use from overall job stress as a possible factor in causing miscarriages. ("Modified VDT Study to Proceed: OMB's Changes Draw Criticism," *Washington Post*, December 26)

January 1987

For the sixth year in a row, the President's budget submitted to Congress proposed to eliminate the Library Services and Construction Act and Higher Education Act title II library grant programs. The President also proposed to rescind (or "unappropriate") all FY 1987 funds already appropriated for LSCA II construction, LSCA VI literacy, HEA II-B training and research, and HEA II-C research library grants. (OMB, *Budget of the United States Fiscal Year 1988, Appendix*) [Ed. note: These funds were released in mid-March after Congress did not agree to the rescissions.]

January 1987

President Reagan's FY 1988 budget requested no funding for preferred and nonprofit postal rates, only enough funds to cover free mail for the blind and transition funding. Elimination of the postal revenue forgone appropriations would raise the cost of a two-pound, fourth-class library package from the current \$.73 to \$.94, a 29 percent increase, and the full commercial rate. (OMB, *Budget, of the United States Fiscal Year 1988, Appendix*)

January 1987

January 1987

The Office of Management and Budget published proposed guidelines and fee schedule to implement certain provisions of the Freedom of Information Reform Act of 1986 (PL 99-570) in the January 16 *Federal Register*, pp. 1992-94. ALA, in comments to OMB, recommended that the proposed guidelines be revised and a new draft published for public comment, because the proposal exceeds OMB's statutory responsibility and is not in keeping with the legislative history of the Freedom of Information Act (FOIA) amendments. The February 13 ALA letter said the proposed fee waiver policy was highly restrictive, and the proposed guidelines could have a detrimental affect on the ability of librarians, libraries, and their users to secure fee waivers as public interest users of the FOIA.

January 1987

"In 1980, the Office of Management and Budget, under the Paperwork Reduction Act, got the authority to review all data collection efforts of executive branch agencies. A pattern of obstructionism, barring certain types of data collection, has been charged by many agencies, and now the House Committee on Science and Technology has asked the General Accounting Office to investigate.

"Allegations of improper use of its powers include OMB's hostility to any data collection dealing with minorities and discrimination, questions concerning the environment and public health, and social science research generally. In matters calling for medical or other special scientific expertise, unqualified OMB officers are charged with overruling qualified agency scientists. The specific agency accused is OMB Office of Information and Regulatory Affairs." ("GAO investigating OMB meddling with data collection," *Library Journal*, January 1987)

January 1987

"The Office of Management and Budget, ruling on the proposed budget for the National Technical Information Service, is reported to have ordered full privatization by the Department of Commerce. Depending on whether opposition in Congress is capable of blocking the move, action on setting up bidding procedures could be imminent. Presumably all that would be left of NTIS as an agency would be a small contract management office in Commerce. OMB plans to accelerate the process of privatization, as well as what has developed into a parallel program of rigorous auditing under A-76 of federal agencies to cut back on staff and budget." ("OMB: 'full privatization' of NTIS by October 1, 1987," *Library Journal*, January 1987)

January 1987

While OMB is pursuing efforts to catalog public information products and transfer them to the private sector, it has also been taking steps to limit dissemination of information by government agencies. For example, in January the General Accounting Office sent Rep. Ted Weiss (D-NY), chair of the House Government Operations Subcommittee on Intergovernmental Relations and Human Resources, a report on federal program evaluation efforts. The GAO report, *Federal Evaluation: Fewer Units, Reduced Resources, Different Studies from 1980* (GAO/PEMD-87-9, January 1987), stated that "Between 1980 and 1984, the total amount of program evaluation resources declined considerably." This was particularly true for departments affected by block grants, but was generally true across the board. The GAO study also found "that evaluations have become less readily available to the Congress and the public. . . ." Responding to GAO, OMB maintained that program evaluation is primarily to inform agency decision-makers, not the public and Congress. GAO suggested that Congress might want to insure the dissemination and availability of program evaluations to the public.

OMB's Assistant Director for Budget Review, Carey Modlin took exception. "[T]he primary responsibility of agency program evaluators is to support internal decision-making, not to produce program evaluation information for the public and the Congress." Such dissemination practices are "in direct conflict with this Administration's and the Congress's policy of reducing paperwork and enhancing the economy and efficiency of the Government by improving Federal information policy-making pursuant to the *Paperwork Reduction Act of 1980* (P.L. 96-511)."

Thus, it is OMB's mistaken interpretation that the Paperwork Reduction Act is intended (and gives OMB the power) to limit the flow of government information to the public and the Congress. (OMB Watch, *OMB Watcher*, March 27)

January 1987

The intangible cost of the Iran-Contra arms deal continues to grow. Apparently, White House insistence on keeping the arms deal secret resulted in denying intelligence experts crucial information on Iran for more than a year. Congressional sources said that "thousands of documents" relating to Iran were probably withheld from State and Defense department analysts to protect the secret National Security Council arms-for-hostages operation. Congressional sources pointed out that lack of information from the National Security Agency's intercepts meant that foreign-policy recommendations were being made on the basis of inadequate

intelligence. Among the intercepts presumably withheld were routine cables telling of other arms shipments to Iran. State Department sources say that intelligence analysts in Foggy Bottom are furious at the realization that vital information was kept from them for more than a year. The realization dawned on them slowly over the months as they detected significant gaps in the cable-intercept material they were getting from the NSA. ("Iran Intelligence Withheld from Agencies," *The Washington Post*, January 29)

February 1987

"The State Department awarded a secret contract for \$276,186 last year to a public relations company that reportedly worked with Lieut. Col. Oliver L. North to rally support for military aid to the Nicaraguan rebels.

"The company, International Business Communications Inc., held meetings to plan a \$1 million contra advertising campaign and acted as 'a reference library' for those making the ads, said Adam Goodman, spokesman for the Robert Goodman advertising agency, which produced the television spots.

"The contract has raised questions about whether payments breach a 1948 law prohibiting spending Federal money 'directly or indirectly' to influence votes by Congress, except when Administration officials provide information 'through proper official channels' . . .

"Besides participation in the ad campaign, sources close to the contra aid network said the public relations company paid for visits by contra leaders and field commanders to Washington in 1985 in order to lobby Congress and seek public support." ("U.S. Said to Pay for Contra Public Relations Drive." *The New York Times*, February 7)

February 1987

The Pentagon sought to classify information on nuclear testing issues that senior Administration officials originally provided in a public Congressional hearing. It also sought to classify some of the questions that were asked by Members of Congress at that public hearing, Congressional aids say. The Senate Armed Services Committee, which held the hearing, went along with the request. As a result, the committee's published hearing record has gaping deletions. The Senate Foreign Relations Committee, which has also held hearings on nuclear testing issues, has not deleted any material from its public hearing records. But that committee has allowed the Pentagon to retroactively modify the remarks of a senior military official in a way that alters the meaning of the comments.

The information that the Pentagon successfully sought to keep out of the public Congressional records concerns the hotly debated question of whether the Soviet Union is adhering to two 1970s treaties that limit the size of underground explosions. ("How Public Remarks Became Classified Data," *The New York Times*, February 20)

February 1987 "A brief conversation that never took place on the Senate floor last August 15, but which found its way into at least one version of the official record of Senate proceedings for that day, is at the center of a dispute over enforcement of the South Africa sanctions legislation enacted last year over President Reagan's veto. Because of the dispute, which could be called the Case of the Missing Colloquy, a ban on importing South African uranium ore and oxide may be relaxed for months while the two sides battle over the issue again. The case illustrates the importance of establishing an accurate record of 'legislative intent' during congressional debates, which federal agencies can use in drafting regulations to enforce the law. It also shows how seemingly decisive votes in Congress are not always the last word in policy disputes." ("Case of the Missing Colloquy' May Affect S. Africa Sanctions." *The Washington Post*, February 17)

February 1987 A dispute between the Reagan Administration and Congress over funding cutbacks is threatening the U.S. space-photography industry and improving the prospects of its foreign competition, according to industry executives, customers and legislators. EOSAT, a joint venture between Hughes Aircraft Co. and RCA Corp., was designated by the federal government in 1985 to take over the operation of its Landsat program, which the government had established 15 years earlier to launch and operate earth-observation satellites. Critics charge that the Reagan Administration has rushed the process of privatizing Landsat, proposing for the current fiscal year to cancel funds that are needed to ease the system into the commercial world. Because of funding problems, observers say, the satellite program is on the verge of extinction. Industry executives, legislators and customers say that new European competitors are threatening to snare the lion's share of future business, which is expected to produce \$2 billion in revenue by the turn of the century. The Landsat program has been used by farmers to monitor the condition of their crops, by federal agencies to track disasters and pollution, and by companies searching for oil. Intelligence agencies have called on Landsat to assess foreign military strength, and news agencies used the service to show critical

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glimpses of reactor damage at Chernobyl. "Much of the information . . . we can obtain through other sources," said Joseph Wright, OMB deputy director. ("Fund Battle Imperils U.S. Space Photos," *The Washington Post*, February 23)

February 1987

The Commerce Department is drafting regulations that would allow the U.S. government to restrict the use of earth observation satellites by private companies, such as broadcasters, on national security grounds. Already, the news media has used satellite photographs of the Chernobyl nuclear reactor disaster, the Iran-Iraq border, a Libyan military airfield after the U.S. raid on that country, and Soviet naval bases. A draft of the new Commerce rules gives officials considerable discretion to determine whether a national security problem exists. Media officials had wanted a very limited definition of national security issues. If final Commerce Department rules remain the same, broadcasters could be kept out of evolving technology altogether by the U.S. government, say some officials. The licensing rules will regulate an industry that is still in its infancy and will not apply to companies launching and operating systems outside the United States, say government officials. So far, only two companies, the U.S. Landsat and Spot Image, a French company, provide photographs of the earth's surface to government and private users to assist in crop assessment, city planning, disaster control, and many other uses. ("U.S. May Restrict Satellite Photos," *The Washington Post*, February 25)

March 1987

When Ellen Detlefsen of the University of Pittsburgh testified for ALA and the Medical Library Association at a March 4 hearing of the House Science, Space and Technology Subcommittee on Science, Research, and Technology on the proposed privatization of NTIS, she submitted for the record an October 1986 report of the Department of Commerce Privatization Task Force, *Privatization Proposal for the National Technical Information Service*. She pointed out that a reading of the document makes it clear that OMB ignored the results of the review process for the privatization of NTIS which encouraged participation by government agencies, NTIS customers, and companies in the information industry. The executive summary points out the costs and risks of turning NTIS over to the private sector:

Given a program so complex and so privatized, any decision to make further privatization moves must be supported by evidence of extensive benefit and minimal cost. Such evidence does not exist. In fact, as this report clearly demon-

strates, the evidence is that extensive privatization presents substantial costs and risks for the government, for NTIS customers and for the information industry as a whole.

- March 1987 "A proposed reorganization of the NOAA (National Oceanic and Atmospheric Administration) Assessment and Information Services Center at the University of Missouri Cooperative Institute for Applied Meteorology will sharply reduce the climate-related information developed at the Center. Among the many activities which will suffer will be assessments of climatic impacts on energy use and prices, housing starts, remote sensing for agricultural planning, early warning of developing food shortages in developing countries, and related programs. Also to be terminated, says a report in the *Network Newsletter* of the National Center for Atmospheric Research, will be the Agency for International Development's Office of Foreign Disaster Assistance." (*Library Hotline*, March 9)
- March 1987 A presidential panel's report on outdoor recreation is out in paperback, although the official version is still under wraps at the Interior Department. Island Press, a nonprofit publisher, said it decided to print the report of the President's Commission on Americans Outdoors as a public service. The commission completed its work early this year, but the Justice Department counseled Interior officials not to publish the 300-page report pending settlement of a lawsuit charging that the panel violated administrative procedures. Interior is supplying photocopies of the report under the Freedom of Information Act. A spokesman for Interior said that they were getting the report ready for printing. ("Nonprofit Publisher Beats U.S. to Press," *The Washington Post*, March 16)
- March 1987 "In the March 1987 issue of the Department of Education's *Security Awareness Bulletin*, DOE staff are taken to task for excessive and unauthorized use of 'confidential' as a document classification to restrict access. In some cases, the memo indicates, a more appropriate classification would be OUO or Official Use Only. But in both cases, only individuals expressly authorized to so label a document may do so. If this directive has any relevance in the area of access to government information, it would appear to be an encouraging sign that the tide is turning on the mud flats of bureaucracy and attention is at last being paid to the critics of government restrictions on access." (*Library Hotline*, May 11)
- March 1987 Buried in a final rule amending the Federal Acquisition Regulation is a provision which could eliminate the role of the Joint Commit-

tee on Printing in the regulation of government printing and substantially diminish the role and authority of the Government Printing Office in the process. The rule, scheduled to take effect on July 1, 1987, was published in the March 20 *Federal Register*, pp. 9036-39 without a request for public comment. The section at issue is numbered 8.802 Policy:

(a) The Department of Justice has advised that the requirement in 44 U.S.C. 501(2) for the advance approval of the Congressional Joint Committee on Printing (JCP) prior to conducting field printing operations (or the acquisition of such printing) is unconstitutional under the Supreme Court's decision in *Immigration and Naturalization Service v. Chadha*, 103 S. Ct. 2764 (1983); therefore, that approval requirement neither binds the executive branch nor serves as the basis for any coverage in this subpart.

A May 21 study on the FAR revision by the Library of Congress Congressional Research Service concluded that "...the operative provisions of the proposed regulation appear to have no foundation in law." If JCP loses authority over government printing, and GPO prints less, it is highly likely that fewer government publications will be included in the GPO Depository Program.

OMB published uniform FOIA fee schedule guidelines in the March 27 *Federal Register*, pp. 10012-20, which are likely to make it more costly for libraries and nonprofit associations to use the FOIA. The issue is important for many libraries and associations since they are likely to be required to pay search costs in addition to fees for the reproduction of records. Two other categories of requesters will be charged for the cost of reproduction alone: education and noncommercial scientific institutions and representations of the news media.

During April, May and June, numerous federal agencies have published regulations based on the OMB guidelines to implement amendments to the FOIA which Congress passed in October 1986 as part of the Anti-Drug Abuse Act of 1986 (PL 99-570). When it passed the amendments last October, Congress intended to improve the fee waiver provisions of the Act for the news media and public interest users of FOIA. However, the definition of educational institution OMB adopted in the final guidelines, although broader than the draft version, still excludes a library unless it is incidentally connected to an institution which OMB considers

educational. Thus, a preschool with a program of scholarly research might qualify as an educational institution, but the New York Public Library would not. ("Freedom of Information Act Fees," ALA Washington Office, April 1987)

March 1987

The Office of Management and Budget document, *Management of the United States Government, Fiscal Year 1988*, brags about eliminating one-fourth of the government's publications in recent years and attempts to trivialize the government's publications program in the following paragraph on p. 76:

Unnecessary spending on the printing and distribution of Government publications can and has been eliminated. The Federal inventory, once numbering more than 16,000 publications and costing more than \$165 million annually, has been reduced by more than 25 percent by terminating such titles as "How to Buy a Christmas Tree" and "A Day in the Life of a Lizard." Procedures have been established to tightly control agency plans to create new publications or expand distribution of existing ones. In 1987 OMB will again carefully review these agency plans and eliminate those publications considered unnecessary, as recent analysis shows that the number and cost of publications is again creeping slowly upward. For example, the Agency for International Development eliminated support for "Development International," and the Veterans Administration did not publish "The Year in Brief: the VA in 1985." Five hundred publications amounting to 2 million copies will be eliminated next year.

April 1987

On April 1, FBI agents to six cities attempted to question a dozen people who have visited Nicaragua on behalf of Tecnica, a California-based group that regularly sends volunteers there on humanitarian projects. Under public guidelines, the FBI cannot investigate domestic groups unless it has evidence of a possible crime. But under classified foreign counterintelligence guidelines, the bureau can investigate if there is reason to believe the target is receiving direction or financing from a foreign power. FBI spokeswoman Sue Schnitzer declined to explain the purpose of the April interviews. She said they are related to "foreign counterintelligence investigations" and "fall under guidelines that are classified, which puts us in a bind because we can't tell you about the guidelines." But, Schnitzer said, "There's a well-founded basis for these interviews. We don't conduct interviews for political reasons." ("FBI Probing Nicaragua Visitors," *The Washington Post*, May 12)

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In the continuing effort to place barriers in the way of qualification for FOIA fee waivers, the Department of Justice Office of Legal Policy issued new fee waiver policy guidance to all federal agencies on April 2, 1987. In a discussion of what evidence is sufficient to establish that a contribution to understanding by the general public will ultimately result from a disclosure, the DOJ guidelines observed about libraries that:

This consideration is not satisfied simply because a fee waiver request is made by a library or other record repository, or a requester who intends merely to disseminate information to such an institution. Such requests, like those of other requesters, should be analyzed to identify a particular person who will actually use the requested information in scholarly or other analytic work and then disseminate it to the general public; absent that, it cannot be determined that disclosure to the requester will contribute to the public's understanding of government operations or activities. . . . Thus, such requesters should make the same fee waiver showing that a person would have to make to obtain a fee waiver directly, including a representation by that person of intent to perform the work involved. (Memorandum for the Heads of All Federal Agencies from Stephen J. Markman, Assistant Attorney General, Office of Legal Policy, U.S. Department of Justice. Subject: *New Fee Waiver Policy Guidelines*, April 2)

In remarks to the House of Representatives on April 22 (*Congressional Record*, pp. H2104-5), Rep. Glenn English (D-OK) stated:

The one word that best describes this guidance is dishonest . . . . Why did the Department mistake the record? I think the answer is obvious. The Department doesn't like the FOIA, and it especially doesn't like the fact that Congress has intentionally made the FOIA easier to use by liberalizing the fee waiver rules. Since there is nothing in the legislative history to support the Department's objectives, the Department has decided to ignore the legislative history for the fee waiver standard.

April 1987

"The Federal Trade Commission said today that it would stop testing cigarettes for tar and nicotine and would rely instead on data from the tobacco industry.

"Daniel Oliver, chairman of the commission, said the program duplicated information available from the industry. Ending the program will save tax-payers about \$200,000 a year, he said.

"The action was promptly criticized by the American Lung Association.

"Karen Monaco, a spokeswoman for the association, said the action put the measurement of tar and nicotine into the hands of the tobacco companies, adding, 'We certainly don't trust them.'

"She said that in general the measurements had been misused because the tobacco industry had tried to make smokers think that cigarettes with low tar and nicotine are safe to smoke.

"Scott Stapf of the Tobacco Institute responded that the industry used exactly the same method as the commission in its tar and nicotine testing.

"The cigarette companies anticipate cooperating with the F.T.C. and appreciate the confidence expressed by the agency in their tar and nicotine measurement reports,' Mr. Stapf added.

"The commission set up its testing laboratory in 1966 to establish uniform standards for measuring the tar and nicotine content in cigarettes. That information has been reported in cigarette advertising since 1971." ("U.S. Stops Cigarette Testing," *The New York Times*, April 16)

April 1987

A recent decision by OMB's Office of Information and Regulatory Affairs to withhold approval of the government's major source of information about the petroleum industry may put Americans back where they were during the 1973 oil crisis—without the data needed to plan for the future or to avert a crisis. Part of the problem in the 1970s was that when the government tried to allocate petroleum products for critical needs (e.g., heating oil), it soon discovered that it had no idea how much of what was available, who had it, where it was, or where it was going. The international American oil companies knew, but they weren't telling. Congress vowed that the nation would never again be caught napping. In 1973-74, Congress created the Energy Information Administration (EIA), and charged it with compiling and publishing up-to-date information on petroleum availability and marketing from data

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submitted by the oil companies. Recently, EIA has scaled back its information collection activities. In April, OIRA withheld approval of EIA's January information collection request, asking for "appropriate changes." In particular, OIRA sided with the Sun Oil Company's objection to correcting data previously submitted to EIA unless actual purchase amounts and wellhead prices were off by five percent or more (Sun Oil wanted a leeway of ten percent or \$1 per barrel). Small changes in oil barrel prices have massive economic consequences, because hundreds of millions of barrels are involved. For example, in the President's FY 1988 budget, OIRA predicted a one percent fall in oil prices for 1987, a figure it used in calculating a rosy economic projection of lower government deficits. If OIRA succeeds in setting a ten percent error rate for EIA crude oil price data, neither OIRA nor anyone else may know which way oil prices are going, and the government may lose the data it needs to step in during a crisis. (OMB Watch, *Monthly Review*, May 30)

April 1987

Lt. Col. Oliver North and his secretary, Fawn Hall, stuffed so many documents into a White House shredder last November that they jammed the machine, according to informed sources. The destruction of the documents—including printouts of internal National Security Council computer messages—took place on the evening of November 21, the day before Attorney General Edwin Meese III and his aides were expected to begin reviewing the NSC files. Independent counsel Lawrence E. Walsh, who is in charge of the criminal investigation into the Iran-Contra Affair, is known to believe that there was a conspiracy to defraud the government, and is hunting for apparent cover-ups that obstructed justice. ("North's Shredder Broke Disposing of Documents," *The Washington Post*, April 17)

April 1987

The State Department swiftly withdrew from circulation a publication that aroused conservative fury by describing the Nicaraguan contras as right-wingers based in Honduras and Costa Rica. The definition appeared in the 1987 edition of "Dictionary of International Relations Terms," published by the department's reference library. As the volume was ordered withdrawn from circulation, librarians said it will be corrected and reissued. The dictionary said "contras" is a contraction of the Spanish word for "counter-revolutionaries" and that the rebel group "comprises former members of the Somozist National Guard, dissident right-wing former Sandinistas and the Miskito Indian minority." Larry Byrnes, executive director of the Council on Hemispheric Affairs, said, "Maybe

Alexis de Tocqueville was right when he said that Russia and America are similar. In the Soviet Union, names of former officials are excised from reference works. The State Department has now muzzled one of the first nonideological documents issued during the Reagan administration which vaguely conforms to reality." ("State Dept. to Redefine 'Contras,'" *The Washington Post*, April 18)

April 1987

Despite a recent setback, the Reagan Administration is proceeding with an effort to impose unprecedented restrictions on the vast flow of computerized information that fuels American's increasingly information-based economy. A September 1984 directive, NSDD-145, directed a task force led by military and intelligence agencies to come up with plans for restricting access to public information held by federal agencies as well as private companies. In October 1986, John M. Poindexter, then National Security Adviser, signed NTISSP No. 2, National Policy on Protection of Sensitive, But Unclassified Information in Federal Government Telecommunications and Automated Information Systems, which restricted a broad range of government information that is unclassified, but considered "sensitive." NTISSP No. 2 was rescinded in March 1987 by Poindexter's successor, Frank Carlucci. "According to sources in Congress and the administration, however, Carlucci has made it clear that the pullback is only temporary, intended to disassociate the plan from Poindexter's name in the wake of the Iran-Contra arms scandal." Sen. Patrick Leahy (D-VT) said. "The administration is so enthralled by the idea of secrecy they won't give up their attempts to control the flow of information." Despite the pull-back of Poindexter's order last fall, he said. "There's no change of thinking on the issue." NSDD-145 which set up the category of "sensitive, but unclassified information," remains in effect, although the Administration is reviewing the directive. ("Reagan Seeks Controls on Data-Base Access," *The Boston Globe*, April 20)

April 1987

Officials of the Department of Education acknowledged that they had paid a private company to find examples of college administrators who misused funds and then tried to prevent higher-education representatives from getting the information. Marion C. Blakey, of the Education Department said the department paid Applied Systems Institute, a research company, \$257 to do the work after an editor of *U.S. News & World Report* last fall asked for examples of how colleges had misspent money. Blakey said, "We provide information as a service to the public. It's what this agency is charged with doing." Higher-education representatives

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were outraged by the incident. The American Council on Education learned of the inquiry last year and requested further information under the Freedom of Information Act. The department initially denied the request, saying that the information gathered by Applied Systems Institute was prepared "to assist the department in preparing policy options"—which meant the department did not have to release it. The A.C.E. appealed the decision and received copies of the memoranda prepared by the company. Blakey later said the study had nothing to do with policy setting, although the study was requested at the time Education Secretary William Bennett was beginning to intensify his criticism of the increase in college costs. ("Education Dept. Admits It Paid Private Company to Find Examples of Misuse of Funds on Campuses," *The Chronicle of Higher Education*, April 22)

April 1987

Former president Richard M. Nixon has temporarily blocked the scheduled May 4 public release of about five percent of the 1.5 million pages of his private presidential papers, the National Archives announced. ("Nixon Blocks May 4 Release of Some Papers," *The Washington Post*, April 23)

April 1987

The House Foreign Affairs Subcommittee on International Operations voted on April 28 to subpoena State Department documents and cables concerning security problems at the U.S. embassy in Moscow after learning that some materials the committee had requested were deliberately withheld. Subcommittee chair Rep. Daniel Mica (D-FL) charged that the department had withdrawn documents from two thick binders of information on embassy security provided to the panel. He said the panel discovered that documents were missing because indexes and tabs in each binder referred to sections that were empty. ("Panel Votes to Subpoena Embassy Security Data," *The Washington Post*, April 29)

May 1987

In 1985, when the Consumer Product Safety Commission (CPSC) learned of the deaths of nine children in recliner chair accidents, it alerted furniture manufacturers and the group quickly agreed to urge modifications in the way chairs were made and to issue warnings to customers. But at the CPSC, the federal agency with authority to order unsafe products off the market, agency economists also examined the chair issue, using a controversial "cost-benefit" formula that the Reagan Administration has pressed all regulatory agencies to employ before undertaking action. The results shocked some agency officials, as well as furniture manufacturers. The economists concluded the agency should not support the changes

in recliners. "It is our recommendation that nothing be done beyond mentioning (the problem) in safety alerts. . ." wrote Warren J. Prunella, an assistant to the director of the agency's economic analysis staff, in an internal memo. Even warnings should be tempered, Prunella urged. "The psychic costs associated with the anxiety that accompanies the release of information on household hazards is to be considered against any accompanying benefits." Noting that the CPSC economics analysis staff has sometimes used cost-benefit analysis to argue against issues news releases on some hazards, CPSC compliance director David Schmeltzer said his "most serious objection" to the formula is a fear that the commission's devotion to it could "result in consumers being deprived of their right to be informed." ("Formula for Product Safety Raises Questions About Human Factor," *The Washington Post*, May 26)

May 1987

"A report in the May 21 *New York Times* says that a Japanese employee of a technical library on a United States Air Base is among four men arrested for stealing documents on military aircraft and passing them to an official at the Soviet Trade Representative Office in Tokyo. The four are also suspected of selling military documents to the Chinese." (*Library Hotline*, June 1)

June 1987

The Department of Commerce published a notice in the June 10 *Commerce Business Daily* seeking comments and expressions of interest from those who might contract to operate the National Technical Information Service. In addition to the regular contracting process, the notice states that Commerce is considering a second option, the federal employee direct corporate stock ownership plan (Fed-Co-Op). This alternative is viewed as a viable means of sharing contract benefits with affected employees. The fed co-op was designed as an alternative to A-76 and is based on the concept of an employee ownership plan (ESOP). Under this concept, federal employees would exchange their government jobs for salaried jobs with the contractor as well as stock in the new contracting firm. Commerce plans to hold a meeting on June 16 of potential bidders on the fed co-op option.

June 1987

In a concluding statement to the first phase of the hearings of the House and Senate panels investigating the Iran-Contra initiatives, House Committee Chairman Lee H. Hamilton (D-IN) said that the 18 witnesses and more than 100 hours of hearings so far have produced "some of the most extraordinary testimony ever presented to Congress." That testimony, Hamilton said, told "a story of remarkable chaos in the processes of government." Several of the

findings he mentioned involved information: private citizens received top-secret U.S. codes and coded communications devices; a national security adviser and an assistant secretary of state withheld information and misled Congress on the Nicaraguan contra resupply operation; and documents were altered and destroyed.

In her testimony on June 8, Fawn Hall, former secretary to Lt. Col. Oliver North, former National Security Council official, told how, at North's direction, she had altered and shredded documents and, on her own initiative, smuggled highly classified papers out of the Old Executive Office Building. She told of concealing the papers in her boots and dress in order to elude an NSC official who was there to prevent such removal in the face of a Federal Bureau of Investigation probe. ("Hall Testifies of Necessity 'To Go Above Written Law'" *The Washington Post*, June 10)

On June 8, OMB published OMB Bulletin No. 87-14, Report and Inventory of Government Information Dissemination Products and Services, its control plan for a comprehensive inventory of each periodical, machine-readable data file, software file, online database service, and electronic bulletin board in the inventory of all federal executive agencies, which are issued or *disseminated by agencies to the general public*. Agencies are required to provide an electronic copy of its total agency-wide inventory of all information dissemination products and services by September 11, 1987.

An official of OMB's Office of Information and Regulatory Affairs had previously announced in public meetings that OMB wants to combine OMB Circulars A-3, Government Publications, and Circular A-130, Management of Federal Information Resources, within a year. Both these circulars are cited as authority for OMB Bulletin No. 87-14. The electronic listing of all government information dissemination products and services will provide a convenient shopping list for the private sector in search of public information products with profit potential. One of the policies in Bulletin 87-14 states:

Agencies shall make such inventories available to the public, either directly or through intermediaries such as other Federal agencies or private sector entities, as an aid in locating government information products and services. Agencies shall, however, avoid offering information services that essentially duplicate services already available from other agencies or the private sector.

June 1987

Two scientists hired by the Public Health Service to prepare a report for Congress on lead poisoning in children resigned in protest, contending that PHS plans to delete and dilute critical portions of their work. The scientists said that their draft report, which details the adverse health effects of lead at blood levels common to 17 percent of urban preschool children, suggested the need for more far-reaching and costly remedies than the Administration is willing to consider. They said a condensed version of a draft sent out for review fails to present the national scope of an environmental problem once thought to be confined to poor, inner-city dwellers and to detail the health consequences.

"No way in hell you can comprehend the complexity of this problem in a boiled down, very misleading, essentially neutral document," said author Paul Mushak, adjunct professor of environmental pathology at the University of North Carolina School of Medicine. "It's one of the most subtle, nastiest rewrites I've ever seen," said coauthor Annemarie Crocetti, retired associate professor of community medicine at New York Medical College. Frank Mitchell, chief medical officer of the PHS' Agency for Toxic Substances and Disease Registry, said the 330-page draft has been cut to 46 pages to create a "readable, usable" document for Congress complete with all vital findings. "We're not suppressing anything," Mitchell said. The excised charts, appendices and judgments of the two authors will be made available to Congress as "backup data," he said. Another omission in the condensed version was the 16-page bibliography and extensive references in the draft. ("Authors Protest Report on Lead Poisoning," *The Washington Post*, June 13)

June 1987

Nearly a quarter of the regulations proposed by agencies and departments across the government were changed at the behest of the Office of Management and Budget before they were issued, according to OMB statistics. As a result, OMB influence over government regulation appears to be increasing. In 1981, 87.3 percent of all regulations went through the OMB review process without change. Last year, the figure was 68.3 percent. OMB officials said that a third of the changes are insignificant, a few are last-minute alterations offered by the departments and agencies, and others are statistical aberrations. Some lawmakers argue that OMB's economists, statisticians and lawyers have acquired near-veto power over the scientists, engineers, and technical experts who write regulations in agencies. They said that public health and safety are eroded when rules are watered down and standards are eased to save money or meet theoretical economic considerations.

The Administration said it has cut back on the rate of new regulations substantially. The number of pages in the *Federal Register*, the official vehicle for new rules, has been reduced from 87,012 in 1980 to 47,418 last year. The number of proposed rules has been cut by 2,000, and the number of final rules by 3,000, according to OMB statistics. ("OMB Cracks Whip on Rule-Making." *The Washington Post*, June 17)

June 1987

Congressional investigators are trying to determine why five top secret National Security Council documents were released from a special protective file November 21, 1988, routed to then-White House aide Oliver North, substantially rewritten at his direction and returned four days later without questions being raised about the alternations. Fawn Hall, North's former secretary, testified that she made alterations, destroyed the originals and made copies of the new documents on a letterhead that had not been use in 1985. ("Release of 5 Documents From NSC Probed." *Washington Post*, June 19)

June 1987

Under rules set to take effect July 1, three major agencies—Defense, General Services Administration and National Aeronautics and Space Administration—propose to divorce themselves from long-standing printing regulations that have buttressed both the Joint Committee on Printing's and the Government Printing Office's controls on government printing. The proposed rules which were published in the March 20 *Federal Register*, pp. 9036-39, would let the individual agencies make many of the decisions the committee and GPO now make. According to congressional sources, if the three agencies are allowed to bypass the committee and GPO, other agencies are likely to follow.

Members of the joint committee demanded that the three agencies drop their plans for new printing rules. But the agencies notified the panel in mid-June that they were proceeding and questioned both the committee's and GPO's ability to stop them. Administration officials contend that OMB, which has trimmed the government's overall printing bills sharply, would continue to exercise control over what the government prints. OMB Watch, a citizen's group that monitors OMB actions, said: "Without some kind of congressional oversight mechanism, OMB's supervision of executive branch information activities will lead to less information for Congress as well as the public." In a memo this spring, the Congressional Research Service noted that Congress insisted on direct control over printing in 1846 because it believed that was the way to end scandals over printing contracts. Committee powers were

broadened in 1895 and have gone without a major challenge until a 1983 Supreme Court ruling striking down legislative vetoes. ("Hill Pressed to Ease Grip Over Printing." *The Washington Post*, June 19)

June 1987

The *Federal Statistical Directory*, which is in its second edition as a private-sector publication, now costs 550 percent more than it did when it was last a government document and is no longer available through the Depository Library Program. When the Government Printing Office sold the 1979 edition, the most recent available from the government, it charged \$5. The current privatized edition costs \$32.50. Although for 45 years the directory helped researchers identify and locate the people and agencies who can provide essential statistical information, OMB scrapped the government book as an unnecessary publication. (Publisher's advertisement provided current price.)

July 1987

OMB requested public comment on a draft revision of OMB Circular A-25, *User Charges*, in the July 1 *Federal Register*, pp. 24890-92. In a letter to OMB, ALA Washington Office Director Eileen D. Cooke stated that ALA would strongly object to the policies of full cost recovery and market pricing spelled out in the draft if those policies were applied to government information products and services since full recovery of costs attendant to the creation, collection, processing and transmission of government information will restrict access by the public to that information. She noted that the draft of A-25 appears to indicate that OMB Circular A-130, *Management of Federal Information Resources*, "... shall be deemed to meet the requirements of this Circular." OMB Circular A-130 requires user charges for costs of dissemination of government information, but refers to Circular A-25—in effect, a circular circular.

Cooke also stated that ALA is disturbed that the ultimate beneficiary will no longer be considered in determining when no charge should be made for services. The current A-25, which dates from 1959, provides that no charge should be made for services when the identification of the *ultimate* beneficiary is obscure and the service can be primarily considered as broadly benefiting the general public. The draft A-25 turns that policy on its head by stipulating that no charge should be made for services when the identification of the *specific* beneficiary is obscure. (Letter from Eileen D. Cooke to Ellen Balis, OMB Budget Review Division, July 31)

July 1987

July 1987

According to military and congressional sources, senior Pentagon officials, seeking internal approval for a tentative plan to deploy ballistic missile defenses in the mid-1990s, pressured an advisory panel to omit sharp criticism of the plan in a recent key scientific report. A secret report by a Defense Science Board panel concluded that the Pentagon's Strategic Defense Initiative deployment plan was so "sketchy" that neither its price nor its effectiveness could be determined. This criticism and a recommendation that the board withhold deployment-plan approval for a year or two were omitted from a version of the report given to the Defense Acquisition Board, the Pentagon's senior decision makers on new weapons systems. ("Science Panel's SDI Criticisms Omitted From Report," *Washington Post*, July 9 and "Defense Science Board Report on SDI," *The Washington Post*, July 10)

July 1987

Testifying on behalf of the American Library Association, Dr. Harold B. Shill of Western Virginia University, documented that user costs in accessing government databases through private information vendors are often *substantially* higher than those incurred in using databases stored in government computers. Government information repackaged by the private sector is also usually expensive for end users. An appendix attached to his testimony showed that the average cost of government information databases provided through DIALOG by the private sector is \$93.26, while databases provided directly to DIALOG by the collecting agencies costs \$45.70 per connect hour. Privatization more than doubles the cost to end users. (Hearings on Scientific and Technical Information: Policy and Organization in Federal Government (HR 2159 and HR 1615), House Committee on Science, Space, and Technology, Subcommittee on Science, Research and Technology, 100th Congress, 1st Session, July 14 and 15, 1987)

July 1987

In an opinion piece in *The Chronicle of Higher Education*, Gerhard L. Weinberg argued that the only realistic solution to the practical problems of declassifying the enormous volume of records generated by the modern state is to set up a system of automatic declassification which in this country would be done by amending the Federal Records Act. Under such a system, every document that is classified would have a declassification schedule, including dates. No further review of the document would be needed unless the declassification were to be either speeded up or postponed. Weinberg said that the United States at one time led the way among nations in making its records openly and promptly accessible to its citizens on the assumption that in a democracy the

government's records are the public's records. "Republican and Democratic Administrations alike worked toward reasserting the principle that the people should have access to the records of their government, and instituted practical administrative and budgetary procedures to accomplish that end. The declassification process was dramatically and emphatically reversed on August 1, 1982, when a new executive order on security classification took effect." ("With Secret Records Growing Some 7 Million Pages a Year, We Desperately Need an Automatic Declassification System," *The Chronicle of Higher Education*, July 15)

July 1987

Former national security adviser John M. Poindexter told Congress during the Iran-Contra hearings that on December 5, 1985, President Reagan signed a "finding" that, after the fact, authorized a secret arms-for-hostage deal with Iran. The White House has said that Reagan cannot remember signing the document, and it has never been found because, as Poindexter testified on November 21, 1986, as the scandal was coming to light, he personally tore it up and put it in a basket of materials to be burned. Poindexter said he destroyed the document "because I thought it was a significant political embarrassment and I wanted to protect him." ("Poindexter Says President Not Told of Diversion," *Washington Post*, July 16)

July 1987

Entreated by the White House, columnists Jack Anderson and Dale Van Atta held a story that President Reagan had confidentially confirmed the existence of the secret Iran initiative to them in a February 24, 1986, interview. "Convinced that a dangerous disinformation campaign was in progress, we began revealing pieces of the secret Iranian initiative—and finally stated it flat-out in a column on June 29, 1986. 'We can now reveal the secret negotiations over arms supply and release of American hostages have involved members of the National Security Council and a former official of the CIA' the column reported. It remained for an obscure Lebanese magazine and a top Iranian official to confirm our story last November." ("Reagan Interview Worried Poindexter," *The Washington Post*, July 29)

July 1987

A Social Security Administration worker in Baltimore responsible for assessing the performance of caseworkers told a House Government Operations subcommittee that she was pressured repeatedly by higher-ups to "stop finding deficiencies" and to falsify the accuracy of her ratings. Ann Mogenhan, a 13-year employee of the Office of Disability Operations, told Congress that her managers discouraged her from conducting tough assessments of casework-

ers, beginning in 1983, for fear of lessening output and jeopardizing their own merit raises. "I was told by several different managers on numerous occasions to provide false accuracy statistics on individuals whose production was high, since charging errors caused them to drastically reduce their production," Mogenhan said. She was among ten current and former Social Security Administration workers and advocates of beneficiaries who testified about the adverse impact of major staffing reductions and administrative changes in the 1300 SSA offices throughout the country. Critics contend that the cutbacks have resulted in shoddy work, unanswered telephone calls, large backlogs of applications and administrative appeal rulings, and far less personal assistance for mentally and physically handicapped people in filling out forms. Those allegations were disputed by Social Security Commissioner Dorcas R. Hardy and her top aides. ("Social Security Service Scored on Hill," *The Washington Post*, July 29)

July 1987

OMB asked the Census Bureau to eliminate about half the proposed questions on the 1988 Decennial Census Dress Rehearsal for the 1990 Census, roughly 30 questions, including all questions about housing value and rents, population mobility, energy, unemployment and fertility. "OMB is coming in and taking the guts out of a lot of [the Census]," said Randy Arndt of the National League of Cities. "This would have a devastating effect on the ability of local governments to measure and evaluate trends." But OMB cites the Paperwork Reduction Act of 1980, which gives it authority over all forms people have to answer for the government. ("Census Questions in Question," *USA TODAY*, July 30)

August 1987

The Joint Economic Committee, chaired by Sen. Paul Sarbanes (D-MD), held a hearing on August 7 to examine the potential effects of the OMB proposal to eliminate or shift questions in the Census dress rehearsal. Two panels representing users were unanimous in criticizing the OMB. Rachel Van Wingen, government documents librarian at Georgetown University, representing ALA concluded: "Wise policy decisions are difficult to make in the face of uncertainty; they're impossible to make in the dark. There's no reason to be in the dark. The Bureau of the Census exists with a mandate to collect statistics in the national interest." ("OMB 'Unable to Approve' Dress Rehearsal, Proposes Alterations." *News from COPAFS*, August-September 1987)

August 1987

The Reagan Administration published a definition of "classifiable" in the August 11 *Federal Register*, p. 29793, to clarify a controver-

sial secrecy pledge required of civilian and military personnel with access to classified information. The secrecy agreement, which already has been signed by an estimated two million persons in 67 agencies since the Administration began using it in January, has been criticized by members of Congress and some government employees who believe it is intended to stifle the flow of information from the executive branch. The form requires the employee to pledge not to disclose either "classified" or "classifiable" information. Sen. Charles E. Grassley (R-IA) said that the term "classifiable" could "mean anything. It will have a chilling effect on those working for government who will not disclose anything for fear that at a later date it might turn out to have been classified." At the center of the row is form SF 189, which springs from a controversial National Security Decision Directive issued by the Reagan Administration in 1983 that authorized polygraph testing and required prepublication reviews. ("Secrecy-Vow Change to Be Aired," *The Washington Post*, August 11 and "Taking the Pledge," *The Washington Post*, August 28)

August 1987

The Air Force, bucking Administration policy, for more than a year has required all its employees—including thousands with no access to secrets—to sign a controversial new security pledge. The Air Force obtained 750,000 signatures between July 1986 and June 1987 of which at least 150,000 apparently came from employees without security clearances. A Reagan Administration regulation forbids federal agencies to solicit signatures from employees who do not have security clearances, and therefore have no access to classified data. The Administration recently announced it would halt the withdrawal of security clearances from employees refusing to sign the form pending the outcome of a lawsuit challenging the pledge. However, agencies are to continue requesting employees to sign the form. ("Air Force Oversteps Security Policy," *The Washington Post*, August 24)

Secrecy pledges signed by an estimated 150,000 Air Force personnel without any access to secrets will be destroyed. ("Air Force Cuts Back on Secrecy Pledges," *Times-Herald* [Newport News, Va.], August 31)

August 1987

Pentagon budget cutters have decided to stop publishing the *Defense Management Journal*, the scholarly award-winning magazine that covered subjects from computers to managing sick leave. Defense considers the publication too costly. ("Thrift Savings Plan Grows," *The Washington Post*, August 13)

August 1987

In the last few years, as computers have become ever more sophisticated and numerous, federal officials have become increasingly concerned about unclassified data. They fear that foreign citizens might harm national security by extracting valuable scientific and technical information from the huge volume of unclassified material accessible in computers. In a 1984 directive, President Reagan likened information to a mosaic, saying that bits of unclassified data, innocuous in isolation, "can reveal highly classified and other sensitive information when taken in aggregate." The government, the directive said, shall encourage, advise and, where appropriate, assist the private sector to protect "sensitive non-Government information, the loss of which could adversely affect the national security."

Described in the article are author Tom Clancy's methods in using unclassified materials to research his best-selling novels. He believes that it is unwise for the government to try to restrict access to unclassified information in the public domain. "One of the reasons we are so successful is that we have a free society with open access to information. If you change that, if you try to close off the channels of information, we'll end up just like the Russians, and their society does not work. The best way to turn America into another Russia is to emulate their methods of handling information." ("Washington Feeling Insecure About Non-Secret Information," *The New York Times*, August 30)

September 1987

The American Federation of Government Employees filed suit against the government on September 1 charging that mandatory secrecy pledges violate employees' constitutional rights. The lawsuit asks the court to declare the pledges illegal and to rescind the secrecy agreements signed by more than two million federal employees. The union argues that the restrictions interfere with employees' freedom of speech and that they will inhibit employees who want to blow the whistle on fraud, waste and abuse in government. Two types of secrecy pledges are at issue.

The more common pledge, which applies to 3½ to 4 million government employees and contractors with access to classified information, requires those workers to promise not to disclose classified or "classifiable" information. That pledge, known as Standard Form 189, is overseen by the Information Security Oversight Office, a part of the General Services Administration. The second pledge, which applies only to employees with the highest-level clearances—those covering Sensitive Compartmented

Information—requires such workers to sign a lifetime pledge stating that they will obtain approval from government censors for any book, speech or publication, including fictionalized accounts, dealing with classified material. That pledge, known as Form 4193, applies to about 150,000 current workers with SCI clearances and is overseen by the Central Intelligence Agency. ("Secrecy Pledges Challenged Openly," *The Washington Post*, September 2)

September 1987 Army Lt. General William E. Odom, director of the National Security Agency, the nation's most secret spy agency, said the federal government should prosecute news organizations that publish sensitive information. He said news leaks in the last several years have crippled U.S. intelligence-gathering capabilities in some parts of the world. Odom also criticized the Reagan Administration for its torrent of leaks and some U.S. officials for failing to have the "appropriate level of paranoia" about Soviet espionage efforts. He singled out James Bamford's 1982 book on the National Security Agency, *The Puzzle Palace*, for having "done more damage to us than almost anything I can think of." Odom believes Bamford and others publishing such material should be prosecuted under a 1950 law barring disclosure of U.S. "communication intelligence activities," but acknowledged that government officials who tell reporters about sensitive intelligence findings are just as guilty as those who publish them. ("Chief of Spy Agency Criticizes News Leaks," *Chicago Tribune*, September 3)

September 1987 OMB ended weeks of dispute with the Census Bureau by ordering it to drop three of about 70 questions the bureau had proposed for the next census, and to use seven others only on a "long form" that goes to a limited sample of houses. The three deleted questions involved fuels and household utilities. The seven permitted only on the long form involve housing. The OMB approved all proposed questions on fertility, transportation and labor market participation. OMB had received hundreds of letters which said that detailed information about local neighborhoods is vital in planning local transportation, housing and labor services, and is available only from the full decennial census. ("OMB Orders Several Questions Cut from Census," *The Washington Post*, September 17)

September 1987 Agents of the Federal Bureau of Investigation have asked librarians in New York City to watch for and report on library users who might be diplomats of hostile powers recruiting intelligence agents or gathering information potentially harmful to United States security. The initiative upset library officials, who fear intrusions into

the privacy and academic freedom of library users and who object to what they called an effort to turn librarians into government informers. FBI officials acknowledged that staff at fewer than 20 libraries, most of them academic rather than public, had been asked to cooperate with agents in a Library Awareness Program that is part of a national counterintelligence effort. ("Libraries Are Asked by F.B.I. to Report On Foreign Agents," *The New York Times*, September 18) [Note: ALA's Intellectual Freedom Committee protested "this attempted infringement of the right to receive information protected by the First Amendment to the U.S. Constitution and the further attempted violation of the privacy rights of all library patrons" in an Extraordinary Memorandum from ALA's Office for Intellectual Freedom, October 1987.]

September 1987 Vietnam veteran Mike Rego has been trying for five years to learn more about an experimental drug he was treated with at a Veterans Administration hospital. He wonders whether it may have been a factor in his contraction of a fatal and incurable disease. But information about the drug, 6-aminonicotinamide, or 6-AN is scarce. No one, including the doctor who treated Rego with 6-AN, the Canadian manufacturer, the distributor and the Food and Drug Administration, which approved the drug for experimental use, will share their knowledge of 6-AN and its possible side effects. Hoping to learn whether other patients treated with 6-AN later contracted Lou Gehrig's disease, Rego asked the FDA for information. It was then, he claims, that he learned 6-AN was approved only for experimental use—and that, to protect the manufacturer's trade secrets, the FDA cannot release information on the drug. "I cannot respond to your request for information on the investigational uses" of 6-AN, associate FDA commissioner Jack Martin wrote to Rego, "since any acknowledgement . . . would constitute disclosure of confidential commercial information." ("Drug Data Is Denied to Incurably Ill Man," *The Washington Post*, September 24)

September 1987 The number of publications issued each year by the new Commission on Civil Rights has declined significantly compared to the number issued by the old commission. The largest decline was in state advisory committee reports. The committees also produce documents called briefing memoranda—informal, unpublished, internal documents that describe for the commissioners the result of local community forums. These forums enable the advisory committees to identify and share with the commission how community leaders perceive local civil rights problems. The chairman of the commission believes that a count of publications was an inade-

quate measure of assessing effectiveness of the old and new commissions. The commission is an advisory body and the issuance of publications is the primary means by which it presents the results of its work to the public. ("U.S. Commission on Civil Rights: Commission Publications During Fiscal Years 1978-1986," GAO/GGD-87-117BR, September 25)

October 1987

The Reagan Administration engaged in illegal "covert propaganda activities" designed to influence the news media and the public to support its Central American policies, according to a report by the General Accounting Office released on October 4. The report said the State Department's Office of Public Diplomacy for Latin America and the Caribbean had violated a congressional ban on the use of taxpayers' money for unauthorized publicity and propaganda purposes in 1985. Rep. Dante Fascell (D-FL), chairman of the House Foreign Affairs Committee, said, "It makes me wonder what else is still being hidden from Congress and the American people." ("GAO Accuses Administration of Illegal Latin Propaganda," *The Washington Post*, October 5)

October 1987

Testifying before a House subcommittee, Sen. Charles Grassley (R-IA), said: "We in Congress must ask ourselves this question: Is SF-189 a legitimate attempt to prevent disclosures of classified information, or is the Administration over-reaching its authority, seeking to gag public servants, in order to prevent embarrassing disclosures of waste and abuse?" His answer: "My personal involvement and dealings with executive branch officials on this matter indicate to me an attempt on their part to go *way beyond* the legitimate protection of classified information. Their intent, in my view, is to place a blanket of silence over *all* information generated by the government. It is a broad grab for power by any standard, and it begs to be addressed immediately by Congress." (Hearings on Standard Form 189, House Committee on Post Office and Civil Service, Subcommittee on Human Resources, 100th Congress, 1st Session, October 15, 1987)

October 1987

The contents of the still-classified National Security Decision Directive 192, signed by President Reagan in August 1985, concerning the "Star Wars" Strategic Defense Initiative were revealed in a book scheduled for release in November 1987. The book, *The Arms Control Delusion* by Sen. Malcolm Wallop (R-WY) and Angelo Codevilla, was given official advance clearance by the CIA. Columnist Jack Anderson commented: "Either the agency's reviewers overlooked the sensitive quotes, didn't realize how sensi-

tive they were or knowingly approved the book's ad hoc declassification of a presidential document." ("Conservatives' Book Escapes Censor," *The Washington Post*, October 26)

- October 1987      The Secretary of Defense issued policy and procedural guidance in the October 30 *Federal Register*, pp. 41707-10, for considering national security in the dissemination of Department of Defense-sponsored scientific and technical information at meetings, whether such meetings are conducted by the U.S. government or private organizations.
- November 1987    In a special report aired on November 4, *The Secret Government—The Constitution in Crisis*, Bill Moyers characterized Oliver North's admission during the Iran-Contra hearings that he had misled Congress: "Oliver North had been the secret government's chronic liar, long on zeal for his president and the cause. But he was not the only zealot, not the only one to deceive. The hearings revealed a wholesale policy of secrecy shrouded in lies, of passion cloaked in fiction and deception." (Transcript available from Journal Graphics, Inc., 267 Broadway, New York, N.Y. 10007)
- November 1987    The Supreme Court rescued the Internal Revenue Service from a sea of paperwork by making it easier for the IRS to withhold information sought under the Freedom of Information Act. The court ruled, 6 to 0, that the IRS may refuse to disclose certain records even if it were possible to delete everything linking those records to individual taxpayers. "This ruling means the [IRS] can turn down just about any FOIA request," said Paul B. Stephan III, a University of Virginia law professor who studied the case which involved the Church of Scientology in a dispute with the IRS. ("Court Eases Way for IRS to Withhold Information," *The Washington Post*, November 11)
- November 1987    In an extraordinary secret order, President Reagan declared that if Congress failed to provide satisfactory funding and support for his Strategic Defense Initiative, he would abandon the traditional interpretation of the U.S.-Soviet Antiballistic Missile Treaty, which has been accepted by every president since the treaty was signed in 1972. The secret document—which Members of Congress were never meant to see—was National Security Decision Directive 192 signed in August 1985. The directive laid the theoretical groundwork for reinterpreting the ABM Treaty. From there, it was but a step to Reagan's order in December 1986 to proceed with the Zenith Star laser program. ("And Then There Was Zenith Star," *The Washington Post*, November 15)

November 1987 During Senate debate (November 12, *Congressional Record*, p. S16219), Sen. Alphonse D'Amato (R-NY) said that "a good name for OMB would be 'the Office of Disinformation.'" He accused OMB of "twisting the figures when they see fit, cutting the programs they may disagree with, shirking their responsibilities by failing to communicate forthrightly with the committees and the Members attempting to work something out, but really looking to see how they can sabotage those programs they are opposed to—the ideologists, OMB. They are not elected to run the country." Sen. D'Amato made his remarks during debate on a major housing bill. ("Senate Nears Vote on a Housing Bill; Reagan Vows Veto," *The New York Times*, November 16)

November 1987 The findings and conclusions in the executive summary of the report of the congressional committee investigating the Iran-Contra affair contain the following excerpts:

The common ingredients of the Iran and Contra policies were secrecy, deception, and disdain for the law. A small group of senior officials believed that they alone knew what was right. They reviewed knowledge of their actions by others in the Government as a threat to their objectives. They told neither the Secretary of State, the Congress nor the American people of their actions. When exposure was threatened, they destroyed official documents and lied to Cabinet officials, to the public, and to elected representatives in Congress. They testified that they even withheld key facts from the President.

The United States Constitution specifies the process by which laws and policy are to be made and executed, Constitutional process is the essence of our democracy and our democratic form of Government is the basis of our strength. Time and again we have learned that a flawed process leads to bad results, and that a lawless process leads to worse. . . . The confusion, deception, and privatization which marked the Iran-Contra Affair were the inevitable products of an attempt to avoid accountability. Congress, the Cabinet, and the Joint Chiefs of Staff were denied information and excluded from the decision-making process. Democratic procedures were disregarded.

Officials who make public policy must be accountable to the public. But the public cannot hold officials accountable for policies of which the public is unaware. Policies that are known can be subjected to the test of reason, and mistakes can be corrected after consultation with the Congress and

deliberation within the Executive branch itself. Policies that are secret become the private preserve of the few, mistakes are inevitably perpetuated, and the public loses control over Government. . . .

The very premise of democracy is that "we the people" are entitled to make our own choices on fundamental policies. But freedom of choice is illusory if policies are kept, not only from the public, but from its elected representatives.

*(Report of the Congressional Committees Investigating the Iran-Contra Affair With Supplemental, Minority, and Additional Views, 100th Congress, 1st Session, H. Rept. No. 100-433 and S. Rept. No. 100-216, November 1987)*

December 1987 Jane E. Kirtley, executive director of the Reporters Committee for Freedom of the Press, and Paul K. McMasters, chairman of the freedom of information committee of the Society of Professional Journalists, Sigma Delta Chi, testifying before the House Committee on Government Operations, Subcommittee on Information, Justice and Agriculture, accused the Justice Department of refusing to enforce the Freedom of Information Act. Kirtley and McMasters urged Congress to create an independent agency to resolve disputes over access to government files. Kirtley said the obstacles faced by reporters in obtaining government information had increased because of the Reagan Administration's "general proclivity toward secrecy" and the lack of an effective enforcement agency. Rep. Glenn English (D-OK), subcommittee chair, agreed: "Justice seems to be doing all they can to undermine the intent of the Freedom of Information Act." ("2 Say Officials Withhold Data," *The New York Times*, December 2)

December 1987 Although more than a quarter of all government publications have bitten the dust since the Reagan Administration took office, the surviving 12,000 are fodder for continuing controversy over whether the campaign has gone far enough or too far, whether it has gone after the fattest targets or whether it has mowed down some useful consumer publications while leaving the more ideologically oriented publications intact. An article by Judith Havemann presented a case study of one of the most controversial remaining publications, *Management*, a slick, glossy publication of the Office of Personnel Management. Alan K. Campbell, the founder of *Management*, describes the publication conceived as an academic journal for government executives as today "a little heavy on the ideology." But Herb Berkowitz, public relations director of the

Heritage Foundation, said that *Management* is "probably the best publication put out by the government." Asked whether it should exist, he said he would be "happy to see them do away with every taxpayer-supported publication."

*Management* sells 25,003 copies at a bulk rate, has 2,600 subscribers at \$13 a year, goes to 819 libraries, and is given away to 4,000 reporters and others by OPM. When Reagan cracked down on government printing, OPM Director Constance J. Horner was required to justify *Management's* existence every year to OMB. She had to "certify in writing that it is necessary in the transaction of public business required by law of the department, office or establishment." The critics of *Management* said its very existence shows how political the process is. ("Management Magazine: House Organ With a 'Spin,'" *The Washington Post*, December 2)

December 1987

A secret appendix to the arms treaty signed by President Reagan and Soviet leader Mikhail Gorbachev reveals that the United States has deployed dozens more medium-range nuclear missiles in Europe than it has previously acknowledged, U.S. officials said. The 114-page treaty appendix, which the Reagan Administration decided to withhold from the public without offering an explanation, also reveals that the Soviets currently have 15 percent fewer medium-range missiles than the Administration has publicly stated in recent weeks. The government's decision not to release the document was made at the request of Pentagon officials who argued that the disclosure could invite terrorist attacks on the U.S. military bases it identifies, according to senior U.S. officials. But other U.S. officials, including Secretary of State George P. Shultz and the chief U.S. negotiator of the INF pact, Maynard W. Glitman, have argued that the terrorist threat is minimal because U.S. nuclear warheads are not typically stored with the weapons deployment sites listed. Shultz and Glitman have protested the Administration's decision, which was also opposed by the Soviets. Gennadi Gerassimov, chief spokesman of the Soviet foreign ministry, said he plans to publish the document in a Ministry of Foreign Affairs bulletin that he edits. ("U.S. Deployed More Missiles Than Disclosed," *The Washington Post*, December 10)

December 1987

Public Printer Ralph Kennickell, in a December 10 letter to Joint Committee on Printing Chairman Rep. Frank Annunzio (D-IL), says he will "seek proposals from interested vendors in the information services industry . . . for dissemination of government publications to depository libraries . . . at little or no cost to the government

possibly because of the development or enhancement of the vendor's commercial interests." GPO would "supply the successful information service provider with government publication data tapes, at no charge, for loading onto its own computers. The information would be retrievable on-line from terminals in a test group of depository libraries, where information searches would be conducted for citizens without charge." The number of online access hours available to test libraries would be limited. An RFP would be announced by February 1, 1988. Kennickell's letter indicates that because "it appears that Congress will be denying our request for an additional \$800,000" for pilot projects, he is seeking to use existing resources to comply with the JCP's desire to test electronic formats in depository libraries. The letter did not address potential changes in the nature of the Depository Library Program and possible proprietary control of government information by the private-sector vendor.

December 1987 The Senate Iran-Contra Committee released a newly discovered White House computer note from early 1986 in which then-national security adviser John M. Poindexter said that Vice President George Bush was "solid" in support of a "risky operation" to sell arms to Iran to gain release of U.S. hostages. The notes were turned up by a new search of the NSC computer sought by the Iran-Contra Congressional Committees last summer. Originally blocked by White House officials, the panels, with the House taking the lead, were finally permitted to test a program designed to recover messages which senders thought they had destroyed. The Senate panel said that 96 new notes had been turned up of which the three released contained the only new information. ("Bush was 'Solid' Backer of Iran Deal, Note Says," *The Washington Post*, December 8)

December 1987 People for the American Way assailed the Reagan Administration for an "obsession with secrecy" and said an opinion poll shows that a majority of Americans believe "the government is not open enough." In a 142-page report, *Government Secrecy; Decision Without Democracy*, the Administration is criticized for issuing more than 280 "secret laws," increasing the Pentagon's "black budget" for secret projects to at least \$22 billion, binding millions of federal employees to secrecy contracts and reversing a 30-year trend toward fewer classified documents. The group denounced the "extraordinary power" of OMB and decried its authority to decide which government publications are released, to set up information-collection policies for all federal agencies and to rewrite federal

regulations. ("Administration Accused of Secrecy Obsession," *The Washington Post*, December 18)

December 1987 According to a GAO report to be published on December 21, the veil of secrecy surrounding trading in the Treasury and agency securities market should be lifted. Although the Treasury securities market is the most active in the world, with more than \$100 billion of trades a day, there is no central exchange where prices and trades are listed as in the stock market. Instead, trading is handled through brokers acting as middlemen between major banks and securities firms. Individual investors, pension funds and insurance companies that are customers of the banks and securities dealers have only partial knowledge about the wholesale prices of government securities. While the Treasury and Federal Reserve endorsed the GAO report, the Securities and Exchange Commission said the conclusions were too cautious.

Richard G. Ketchum, director of the division of market regulation at the SEC, said a specific deadline should be established for broadening access to price information. He noted that established customers of the brokers already have full access to price and trading information and may not find it in their best interests to make that information available to their trading competitors and customers. He recalled that in the stock market, the SEC had to invoke its authority to force securities dealers to publish the price quotes and trade information on over-the-counter stocks. If brokers do not move to broaden trading access within two years, the SEC said the issue ought to be taken up by regulators of Congress. ("Data Urged on Trading Securities," *The New York Times*, December 21)

December 1987 Rep. Lee Hamilton (D-IN) disclosed that in a newly discovered White House computer note, former national security adviser Robert McFarlane discussed the purging of National Security Council files around the time the Iran-Contra affair erupted in late 1986. Hamilton, chairman of the House Iran-Contra panel, said the note confirms previous evidence that "McFarlane was engaged in efforts to keep the story from coming out." Reps. Peter Rodino (D-NJ) and Dante Fascell (D-FL) said the recent discovery of the computer messages demonstrates that there is still relevant information that has not yet been made public about the Iran-Contra affair. ("McFarlane's Iran Role Amplified," *The Washington Post*, December 22)

- December 1987 Congress, making good on earlier warnings, ordered the Administration to stop asking government workers to sign controversial secrecy pledges governing classified information. Congress attached a rider to the continuing resolution providing funding for fiscal year 1988 which bars any department from spending money to implement or enforce what are known as Standard Form 189 and Standard Form 4193. The prohibition is good throughout fiscal 1988, which ends next September 30, "and should force the administration to come up here and work something out with us if they want to continue using such pledges," a House staff official said. House officials said the congressional directive probably would not affect enforcement actions involving the SF 4193 pre-publication pledge. ("Congress Restricts Use of Secrecy Pledges," *The Washington Post*, December 24)
- December 1987 The Information Security Oversight Office which oversees the implementation of SF 189, "Classified Information Nondisclosure Agreement," further clarified the term "classifiable information" in the December 21 *Federal Register*, p. 48367. The revised definition states: "Classifiable information" does not refer to currently unclassified information that may be subject to possible classification at some future date, but is not currently in the process of a classification determination."
- December 1987 Reportedly neither the United States Information Agency nor the educational film industry is happy with the interim regulations published by USIA in the November 16 *Federal Register*, pp. 43753-57 (correction 12/11 *FR*, p. 47029) which are titled: "Propaganda as Educational and Cultural Material; World-Wide Free Flow (Export-Import) of Audio-Visual Materials." USIA will accept comments on the notice until January 15, 1988. With the interim rules in place, USIA has begun to review 3,590 films, maps, charts and other audio-visual materials it accumulated during more than a year of inaction since a Los Angeles federal judge ruled that USIA exceeded its authority and acted like a censor in deciding what materials to recommend for duty-free status under the Beirut Agreement of 1948. In November the filmmakers returned to court, charging that USIA again was attempting to play censor. (Reviewing USIA's Role as Reviewer," *The Washington Post*, December 30)

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