new city hunters gunning for trophies in competition with the subsistence hunters who live here."

It is not known exactly how big the arctic caribou herds are, but field biologists estimate that the second largest group, the Porcupine Herd, includes about 115,000 individuals. But these animals range over an area of 56 million to 90 million acres—more than a square mile for each animal.

"For a man to support a family mostly by hunting and trapping is more than a full-time job," says Levi. "It is also a way for a native man to say in an affirmative way, 'this is who I am. I am doing what my people have always done.' It seems to me that at a time when there are so many complaints about native culture breaking down, it is almost criminal deliberately to open vast areas of the state to indiscriminate hunting by people whose only claim to kill those animals is 'sport.' "

—MARK PANITCH

The author is Washington correspondent for the Anchorage Daily News. *Research for this article was supported partly by The Fund for Investigative Journalism.*

Freedom of Information Act: Problems at the FDA

The Freedom of Information Act, passed in 1966, was recently amended to make more records and documents available to the general public and to expedite the handling of inquiries by federal agencies. The Food and Drug Administration (FDA) is a major target of information seekers and, according to agency employees, they have been living a bureaucratic nightmare ever since the amendments went into effect. The FDA receives very few inquiries from private individuals or the press. Instead, most requests come from corporations seeking information about their competitors and from lawyers seeking information regarding liability suits. Some enterprising people have even started a new business designed to aid corporations in this booming quest for information. According to Edward J. Costello, director of the Public Records and Documents Center, the Freedom of Information amendments have resulted in "one giant fishing expedition."

A deluge of Freedom of Information (FOI) requests at the FDA began with the 1974 amendments to the act, which required each federal agency to publish regulations describing how it will comply with the revised law. The FDA regulations, which went into effect on 22 January 1975, are noteworthy in that they go well beyond the minimum requirements of the law, significantly increasing the public visibility of the FDA's internal workings. For example, the FDA now issues a weekly calendar listing all meetings held in the preceding week and those scheduled for the next weeks. Individuals can request minutes of those meetings and can attend meetings that are open to the public. Also published in this calendar are lists of persons outside the government employ who telephone or visit key FDA officials.

When the FDA's regulations went into effect, the number of FOI requests for reports, documents, and minutes of meetings at the FDA increased to an average of more than 40 per day. At this rate, FDA officials estimate that they will receive more than 7000 FOI requests in 1975, nearly triple the 2644 requests received in 1974.

Almost as soon as the FDA regulations were published late last year, a new business called F.O.I. Services, Inc., sprang up to make the most of these new rules. The new enterprise is run by three people who are relatives of Washington lawyer Alan Kaplan, whose firm represents industries in food and drug litigation. According to David Kennedy, one of the founders of F.O.I. Services, this firm has 95 clients so far, including major drug companies, food companies, and companies that make medical devices.

For a fee, F.O.I. Services will provide clients with such things as a weekly list of all FOI inquiries received by the FDA, as recorded by the FDA's daily log, which is available to the general public. The log lists all inquiries received on a given day, tells who submitted the inquiries, and tells what information was requested. Food and drug companies use the information contained in the daily log as a means of keeping an eye on their competitors' interests and activities. For an additional fee, F.O.I. Services telephones a company immediately when the FDA is queried about that company. Thus a pharmaceutical firm subscribing to F.O.I. Services not only can monitor its competitors' interests, but can also request copies of any information the FDA gives out on it, so as to make sure that none of its trade secrets are given away. In this way, the Freedom of Information Act is aiding a kind of corporate intelligence gathering.

Perusal of the daily log may be merely prudence on a company's part, although some FDA employees believe the firms hope the FDA will inadvertently reveal a competitor's trade secret or two.

Many companies that do not subscribe to F.O.I. Services deal with consulting firms that perform many of the same functions. Costello says that several representatives of consulting firms visit the Public Records and Documents Center so often that he has come to know them by their first names.

Many FDA employees who deal with FOI requests complain about the way the Freedom of Information Act is working under the new rules. First, they say, it is difficult to adhere to the time limit on responding to requests. The 1974 amendments to the act stipulate that federal agencies must notify a requestor, within 10 days of receipt of an inquiry, whether the agency will comply with the request and, if not, why. Exemptions include trade secrets and information that constitutes an unwarranted invasion of privacy.

Although FDA employees grumble about the 10-day limit, this limit was necessary because, in many cases, federal agencies were taking too long to process inquiries. Anita Johnson of Ralph Nader's Health Research Group, for example, says she has, in the past, waited as long as a year before the FDA responded to some of her requests. Moreover, she says she often had to remind the FDA several times that certain requests were pending before the agency responded. Now that the 10-day time limit is in effect, Johnson says, the situation is much improved.

FDA employees, on the other hand, claim that difficulties with the 10-day limit arise when some persons submit requests for mountains of information that cannot easily be found and examined (so as to ascertain that the information can, in fact, be released), within the time limit. Other

complaints involve requests that must be denied, because issuing a denial involves a great deal of time and red tape.

One such blanket request that could not be handled came from a lawyer preparing to sue a manufacturer of a particular vaccine. He asked for "all documents or other information disclosable to use from FDA, NIH, DBS, HEW, the Department of Compliance and all other governmental agencies which may have helpful and useful information" regarding that vaccine. In another case, The Upjohn Company in a single communication requested copies of 73 letters of inquiries submitted by others, together with copies of the information the FDA furnished in response to 56 of those letters and 15 miscellaneous items including such things as manuals, directories, and minutes of meetings.

Denials are time-consuming because they must be reviewed by a chain of four FDA officials before they are signed, a process that takes, on the average, 12 days. Although this is longer than the 10 days allowed, it is an improvement over the 60 days averaged last year.

Because denials are so troublesome, those who handle FOI inquiries are disturbed by what they claim is a practice by some lawyers and corporations of requesting information that they know cannot be released. Their purpose seems merely to receive a formal denial letter. This occurs, for example, when a corporation wants to determine that one of its trade secrets will not be released to a competitor. It then requests that proprietary information and waits for a formal denial of the request.

Yet another problem threatens to compound these compliance difficulties. On 5 May 1975, the Pharmaceutical Manufacturers Association filed suit to force the FDA to notify a drug company whenever another company asks for information about it, and to ask whether the company considers the requested information a trade secret. Moreover, the pharmaceutical group wants the FDA to provide this notice before any information is supplied to the requestor. "If this goes through," says Richard Carpenter of the Bureau of Drugs, "we've had it." With no authority to hire new personnel, the FDA would be completely swamped, he claims.

Anita Johnson, who deals extensively with the FDA, suspects that some of the FDA's problems result from inefficiency within the agency. Since requestors are charged for the time FDA employees spend searching for records and documents, she feels that requestors are subsidizing this inefficiency. For example, Johnson was recently charged $100 for some information that, she believes, should be readily available from records in a computer. When she asked for an itemized bill she found that much of the charge was for search time.

Although inefficient FDA employees may be making matters worse, the fact remains that a great deal of time is being spent aiding corporations in what amounts to intelligence gathering operations. Ironically, consumers, who were meant to be the beneficiaries of the legislation, are the ones likely to be hurt by its implementation, or so the FDA contends. The FDA is supposed to be a regulatory agency concerned with protecting consumers. But FDA employees claim that the burden of handling the deluge of corporate FOI requests is impeding that mission.

—GINA BARI KOLATA

Ray Fed Up, Quits State

Dixy Lee Ray, former chairman of the Atomic Energy Commission has announced her resignation, effective 20 June, after 6 months as head of the newly upgraded science office at the State Department. She plans to return to her home state of Washington, where she hopes to run for governor.

Ray, a marine biologist, headed the AEC from early 1973 until its dissolution last year. Her subsequent appointment as assistant secretary of state for oceans and international environmental and scientific affairs was regarded by some as a sign that Secretary Henry Kissinger intended to weld science policy considerations more firmly to the conduct of foreign affairs. However, Kissinger is known for ignoring much of the State Department machinery and relying on a small circle of close advisers. Ray was not in the circle. She told *Science* that although the office was mandated by Congress to develop a comprehensive science policy for international affairs, it was virtually ignored by the Secretary. Furthermore, no additional money or personnel were allocated to carry out the new role. Says Ray: "This country has become committed to the ideal of international cooperation in science without anything to back it up" in the way of plans, money, or organizational structure. She had been thinking of quitting for some time—the last straw, she says, was Kissinger's recent announcement to the Japan Society that the United States was prepared to enter into a large-scale joint energy research and development program. The offer was made with no prior consultation with Ray's office.

No Secret of Dissatisfaction

She has also made no secret of her dissatisfaction with the Administration's energy policy—she is quoted as saying, "I think we are drifting and I think the American people don't appreciate how serious the situation is." According to an aide, Louis Guzzo, Ray is particularly critical of the "ostrich-like" policies of the United States relating to the export of nuclear fuel technology. She believes the ban against such sales should be lifted because countries can obtain the technology elsewhere—witness Germany's recent sales agreement with Brazil—and the United States would have better relationships with purchaser countries if it consented to act as a supplier.

It can be presumed that plummeting to a position of virtual invisibility from a post as influential head of a multibillion dollar agency was not Ray's idea of moving ahead. There are indications that Ray regarded the State Department as an interim job right from the beginning, but the suddenness of her departure indicates to some that she didn't anticipate how frustrating it would be. The *New York Times* quotes one official as saying, "Dr. Ray simply did not get around to organize her bureau for fighting the bureaucratic wars."

Ray says many of her friends have been urging her to run for governor, and she finds it an "interesting idea." She plans to visit around the state and take its pulse before making a final decision. She would run as a Democrat.

Ray and Guzzo, meanwhile, are collaborating on a book, "Good Bye, America," about federal science policy and the role of technology in domestic and foreign policy. The central message, says Ray, is "if we don't change course and get some sense into international and domestic policies we're heading for oblivion."—C.H.