

**Paper for President Obama
On Restrictions on Press Freedom
12/15/2015**

**Society of Professional Journalists
Society of Environmental Journalists
American Society of News Editors**

Summary

The press has seen a serious regression in our ability to gather news when compared to earlier administrations. Requirements that no one in federal offices speak to reporters without notifying an authority, often a public information officer, have become more entrenched. We are similarly unable to obtain information from previously available experts within agencies, who are often only allowed to speak when in the presence of a press office staff, which chills their speech, or are prohibited from speaking with the media at all. All of this is akin to censorship.

Not only have promised reforms to administration of the Freedom of Information Act failed to materialize but background or “off the record” briefings are default.

This situation is debilitating for reporters and dangerous to both journalists and the government. Journalists are unable to do their jobs effectively; the government runs a serious risk that information obtained by a journalist is inaccurate or misinterpreted or limited by the official surveillance.

But perhaps the most harm is afflicted on the public: allowing agency experts to speak freely and without inhibition with journalists increases the likelihood that the public is well informed and participating in their own governance. Instead the public is left with little more than a press release that only tells one side of the story and the press is forced to go to less informed sources to try and get the rest.

This departure from past practice is disturbing and unnecessary. In the past, reporters talked to many people fluidly, including subject matter experts, as well as the PIOs and political appointees. There was not – and is not – a threat to the government’s interests, national security or otherwise, when responsible journalists develop a relationship with agency officials and staff.

This needs to be addressed for other reasons as well. As journalists, we cannot ethically stand idly by while our ability to gather news is suppressed, especially when state and local government officials and others see these tactics and mimic them nationwide.

That's why we are asking President Obama to issue an executive order ending these restrictions.

Journalists are making a special plea to President Obama not to leave office without reversing the dangerous restrictions on the flow of information to the public that have become more entrenched and aggressive during his term.

During about the last two decades there has been a surge in prohibitions against staff in agencies and other entities communicating with reporters without going through the public information officers.

In short, PIOs are being used as censors.

It stymies the dynamic confluence of facts and ideas, and it keeps perspective away from everyone, even the people instituting the controls, and even the President's administration and the President himself.

Examples: Just How Dangerous

Last year the Centers for Diseases Control admitted that its staff had developed a pattern of mishandling dangerous pathogens. A commission later found that staff members were afraid to speak up about the problem.

Close to the same time the Food and Drug Administration found it had kept the monster virus smallpox in a storage area which apparently had not been inventoried for decades.

Smallpox killed an estimated 300 million people in the 20th century alone. When it became the first infectious disease to be eradicated decades ago, the whole world solemnly agreed there would be only two repositories kept anywhere: One in Russia and one at the CDC in Atlanta.

Later in 2014, after a search, officials found other dangerous bugs in various storage areas.

Some of the most dramatically obvious things these agencies were supposed to be doing, they weren't: Keeping dangerous pathogens under control.

Just as serious, however, is the fact the agencies had for years forbidden all the people around those situations to ever speak to the press, or to ever speak to the press without the boss's minders. Those prohibitions were on everyone in the agency.

As far back as we know, unauthorized communication with the press by insiders has led to the correction of dangerous or abusive situations.

The ability of people to speak, and specifically to speak to the press, serves as an emergency door. When leaders padlock that door, they are responsible for the tragedy that happens.

Journalists assure President Obama that these restrictions are hiding things, because, almost routinely, the story is different when people can talk to reporters candidly.

About the Current Era of Censorship

A number of reporters remember these prohibitions beginning to appear in the federal government around the early 1990s. Over the years they became much more ubiquitous and severely enforced. Today in many agencies it's impossible to get anyone to speak without the controlling process, even for the simplest question.

It is important to stress that it's only been in the current and last two Presidential administrations that these constraints have been nearly as apparent. Indeed, although there are references to control attempts before that point, they were close to unheard of.

In 2006, the Department of Health and Human Services, at least, said it would be "extremely rare" for an interview request to be turned down. That promise went by the wayside.

In the meantime, sometimes in light of security concerns, agencies began to physically keep reporters out of the agencies, except under special arrangements. Many agencies don't provide for reporters to have press passes.

In some federal agencies today a large portion of press requests to speak to someone are blocked by some means. The delay in getting a response is often unconscionable. Or the PIO may email a one or two-sentence non answer, not addressing the request for an interview. Or the PIO may block the interview outright, sometimes with excuses. One excuse was that the reporter had already talked to one other person at one other agency. Another was that regulations take time – stated five years after Congress called for the regulation.

Inadvertent or Deliberate

The blockages are often motivated simply by the bottleneck caused by the requirement reporters apply to the PIOs for every conversation, which would be crippling to any enterprise. Thousands of people who should be talking to each other for the sake of the nation's wellbeing are on either side of that wall.

PIOs don't have the time to do the surveillance on even a fraction of the needed conversations. So they often block them or brush them off.

On the other hand the PIO control point is often deliberately used to stop communications that someone doesn't want to happen.

The CDC public affairs office told the Washington Post that it blocked an interview with a professional who had worked on a TB outbreak because it felt the state should take the lead on the story, although the reporter was also talking to the state.

Forty percent of PIOs admitted to blocking certain reporters because of "problems" with their previous work, according a [survey](#) co-sponsored by SPJ and the National Association of Government Communicators. An HHS PIO told an Association of Health Care Journalists session that when a reporter had published something the PIO had thought was off the record, he told his whole staff to not respond to that reporter's requests. A former PIO from Capitol Hill said, "Everybody blackballs reporters that they don't like. It's just a fact of life."

Whether deliberate or due to the bottleneck, the blockages are a theft from the public. These restraints are so continuous that they seriously limit our vision.

The Extent of the Controls

The same [2013 survey](#) sponsored by SPJ and the NAGC found about 65 percent of PIOs agreed they feel it is necessary to supervise or otherwise monitor interviews their agency's staff, "but mainly for follow up or to assist their employee." That means that fluid communication is precluded, including the critical understanding an expert (even one designated by the agency) could give a reporter in a five-minute discussion.

These controls extend even when a staff member is listed as the contact in a Federal Register notice; or the reporter has spent all day listening to a staff member in meeting and wants to clarify something; or the reporter has talked to the staff person numerous times; or the reporter knows far more about the agency's work on a topic than the PIO; or the staff person is the acknowledged expert on an issue in the agency.

Agencies say they need to have reporters go through PIOs to "coordinate" the information, revealing their chilling assumption that no information not coordinated by those in control should escape.

Obama Era

Early in the Obama administration journalists' organizations wrote to the President calling for an end for requirements for reporters to, "notify or obtain permission from an official to conduct an interview." The letter said, "These relatively new practices hinder reporters' ability to learn the truth by inhibiting and sometimes barring employees from providing essential information."

Journalists worked behind the scenes with the Office of Science and Technology Policy, calling attention to the problems. We were given to believe we should wait for the OSTP Scientific Integrity Memo which was being developed and would address our issues and reflect the administration's policies.

After many months the memo was released on December 17, 2010 and we were stunned to find that it said, "Federal scientists may speak to the media and the public about scientific and technological matters based on their official work, with appropriate coordination with their immediate supervisor and their public affairs office."

With no warning and no open discussion with journalists, OSTP had endorsed the restrictions we had asked this administration to end. It did not acknowledge that the practices are a change from recent times. It may be the highest level endorsement of these restraints in writing in the nation's history.

When journalists held a meeting in 2011 about the practices at the National Press Club, a couple of blocks from the White House, numerous administration officials were asked to participate and none did.

On-background

In addition to the PIO controls, the practice of routinely holding “on-background” briefings is enmeshed with the other controls on news gathering. Some reporters say some agencies are now giving more briefings on background than on the record.

Officials use their “ownership” over the information to allow reporters to cover a briefing or get responses only if they agree not publish the names of people giving the information. This happens even when the speakers are higher level officials or public information officers, with specific responsibility to inform the public. The implied threat is that otherwise the reporter will get nothing.

The Rules and Blockages Continue

Meantime the blockages through PIOs have continued and many journalists say they have become worse.

In 2012 an SPJ [survey](#) found that half of all reporters who cover federal agencies said the agencies outright prohibit reporters from interviewing employees at least some of the time. Seven out of 10 said their interview requests are forwarded to public affairs officials for selective routing to whomever they want.

In addition, seven out of 10 reporters agreed: “I consider government agency controls over who I interview a form of censorship.”

About 85 percent agreed that, “The public is not getting the information it needs because of barriers agencies are imposing on journalists’ reporting practices.”

In extended comments journalists said:

---“PAOs tend to make up information. You can never trust the information they provide. They make our jobs almost impossible and they treat journalists with barely any professionalism.”

--- “They act as gatekeepers. And they are very rarely completely helpful or forthcoming.”

--- “Most PIOs are great. But what can you do about the duds or jerks?”

Why Only Journalists?

An ominous aspect of the controls is that they apply only to journalists. Other people, usually people with some clout, can communicate with staff members, without barriers. Special interest groups, lobbyists, contractors, people in other levels of government, campaign contributors, regulated industries and people with money are free to network fluidly, get things explained and put their arguments before leaders and staff. Usually this happens out of sight of the public. Meantime people without connections are hard put to get answers that agencies don't have time for or don't want to give. And the press, in charge of getting information for the rest of us, is specifically limited in how much and what kind of communication we can have.

Pervasive Cultural Norm

Surveys sponsored or co-sponsored by SPJ have documented that the restrictions are pervasive in many areas of the country, to the point they are a cultural norm. They are used in state and local governments, schools, hospitals, police departments, business and other organizations.

General assignment and political reporters across the country said the control has been increasing over the several years and it will only get worse over the next few years. They said the current level of PIO control is an impediment to getting information to the public.

Two-thirds of reporters say their interview requests are forwarded to PIOs for selective routing to whomever the PIOs want and half said their interviews were monitored at least some of the time.

More than half said their interview requests were prohibited at least some of the time.

One respondent said: “We are not allowed to interview county employees. They can be suspended or otherwise disciplined for talking to the press.”

A separate survey of education reporters found much the same thing, with reporters saying schools’ responses include, “Simply didn’t connect me with a person until deadline had already passed,” and “They say that they are not talking to the media.”

PIOs have been known to scold journalists for speaking to someone without the censorship in place.

So, on the one hand we have institutions where the leadership has covered up child abuse for years. And now we have school districts that distribute model policies prohibiting anyone in the school from speaking to a reporter or speaking without oversight.

And we have police departments where police officers can’t speak up. We admit loved ones to hospitals where staff are, in essence, warned never to tell the press about issues. And likely they haven’t, perhaps for many years.

No one should have to live in a community where people are afraid to tip off a reporter about concerns. Or give them an understanding of how things work.

By ending these constraints in the federal level, President Obama could do something very important for the nation’s future. The action would not only free up information about the federal establishment that has such an enormous impact on our lives. It would engender discussion about the dangers of such secrecy in all kinds of entities.

Reporters’ Education

Ironically, the great majority of the communication that has now ceased is benign, useful, and non adversarial from the agencies’ own point of view. It was exactly the kind of information an agency wants to get to the public, including specialized publics.

Reporters, having to work quickly, want to know: Does this rule apply to this population? What does this term mean in the context of this Federal Register notice? Can you give me any further background specific to my audience? Is this the same program that came out last year or is it different? Can you tell me what this is about, in English?

Countless times agency staff members have turned a story into something much more meaningful, by just talking to a reporter for a short time.

It Will Get Worse

Over the last 20 years these controls have become steadily more aggressive. They have crossed lines that previous were sacrosanct, such as actively prohibiting two people from speaking the each other. Given that control of information is the most powerful thing in human societies, they will certainly become worse unless many of us take a stand against them.

Summary

Censorship is one of the most pernicious things that can happen in human societies, no matter what it is called, the legal basis for it, or even the original intent in instituting it.

These practices we deplore here combine with other restraints, including poor FOIA responses and investigation of leakers and journalists, to create situations dangerous and debilitating to us all.

The restraints are handicapping, muddling to our understanding and capabilities for solving problems.

It is also very serious, in light of the oppression around the world, that America is serving as a poor model for free speech, with so many people serving as censors.

That's why we are asking President Obama to issue an executive order ending these restrictions.

Selected Events on PIO Censorship and the Obama Administration

AHCJ Asks President Obama to End the Restrictions

March 4, 2009—Association of Health Care Journalists [writes](#) to President Obama calling for an end to, “practices that require public affairs officers to approve and monitor journalists’ interviews with federal staff.”

Eleven Journalism Groups Ask FDA to End the Restrictions

December 2, 2009—11 journalism organizations [write](#) to FDA asking it to, “end requirements that journalists and FDA employees notify or obtain permission from an agency official in order to conduct an interview.”

Thirteen Journalism Groups Ask Administration to End the Restrictions

Early 2010—13 journalism organizations write to the Obama administration asking for an end to the restrictions.

SPJ Resolution Call on Obama to End the Restrictions

October 2010—SPJ passes a [resolution](#) against the restrictions, calling on Obama administration to end them.

OSTP Integrity Memo Endorses the Practice of PIO Monitoring

December 2010—Obama Administration’s Office of Science and Technology Policy’s Scientific Integrity [Memo](#) endorses the restrictions, making the presidential administration probably the first in history to do so in writing at such high a level. The memo says, “Federal scientists may speak to the media and the public about scientific and technological matters based on their official work, with appropriate coordination with their immediate supervisor and their public affairs office.”

Administration Officials Don’t Participate in Discussion

September 2011—Article in the Columbia Review of Journalism discusses the issue.

October 2011—Panel [session](#) at the National Press Club, flowing out of the CRJ article, discusses the issue. Administration officials do not participate despite numerous invitations.

SPJ-Sponsored Survey Finds Most Washington Journalists Believe the Practice Keeps Information from the Public

Spring 2012—SPJ-sponsored [survey](#) of Washington journalists finds that most believe the practice is censorship that keeps information from the American people.

Education Writers Note Pervasive Problems

January 2013—Education Writers Association puts the issue on its listserv and a number of reporters from around the country write to say the practice is pervasive and/or aggressive in their area.

Survey Finds Most PIOs Monitor Reporters

Spring 2013—[Survey](#) of PIOs/POAs finds most PIOs monitor reporters. Among other things, 39 percent say they block reporters they have had “problems” with in the past.

FDA Petition Denial Indicates Staff Who Want to Speak Can Become Whistleblowers

August 2013—Four years after a petition was filed on the issue, the Food and Drug Administration issues a denial on the issue, saying, among other things, that if staff people want to say anything they can become whistleblowers.

Debate on CSPAN-2

August 12, 2013—A [session](#) at the National Press Club, covered by CSPAN-2, has PIOs and reporters debating the issue. Written presentations: paosandreporters.blogspot.com.

Presentation at the National Academy of Sciences

December 2013—Kathryn Foxhall’s [presentation](#) at a National Academy of Sciences workshop says these restrictions are powerful, mean censorship that is new on an historic basis and radical. The response from audience members was very supportive. A written copy is available.

Sunshine Week Editorial Says Restrictions Threatens the Foundation of Democracy

March 2014---The National Press Club and the Society of Professional Journalists posted an [op-ed](#) for Sunshine Week saying these controls at all levels threaten the foundations of democracy. Outlets running it include Poynter.org, the Buffalo News, and Cleveland.org.

Surveys Show Pervasiveness of Blockages

March 2014—NPC, SPJ and the Education Writers Association present [two new surveys](#) on press office interference at a press event. The reports are likely the first to document the pervasiveness of the problem in many areas of the country, and in all sorts of entities. The great majority of reporters said they felt the public is not getting the information it needs because of the barriers. The appendices with reporters’ open-ended comments illustrate a tide of hard-ball obstruction.

Editorial in Editor and Publisher

May 2014-- “Editor and Publisher” publishes 6-page [op-ed](#) saying the censorship by PIO has become a cultural norm across the United States.

House Veterans Committee Documents Blockages by the VA

March 2014—The House of Representatives Veterans Committee has started a [website](#) listing instances of VA facilities blocking reporting. However, the House Committee, itself, does send reporters through its own PIO.

Neiman Reports Article

June 12, 2014---Neiman Reports [article](#) says, “Public health reporters say federal agencies are restricting access and information, limiting their ability to cover crucial health issues.”

Groups Ask President Obama to End Restrictions

July 8, 2014—SPJ, SEJ and other journalism and open government groups [write](#) to President Obama asking him to stop the excessive controls on journalists, including the requirement to go through PIOs to speak to staff members. The letter gets extensive coverage including an editorial in [USAToday](#).

Washington Post Story on Restrictions

March 2015---Washington Post [story](#) on lack of access cites reporters saying, “An agency spokesman — frequently a political appointee — rejects the reporter’s request for interviews, offers partial or nonresponsive replies, or delays responding at all until after the journalist’s deadline has passed.”

SPJ 2015 Survey of Science Writers

March 2015---[Survey](#) sponsored by SPJ finds that science writers often face the same restrictions as other reporters.

2015 Letter to President Obama

August 10, 2015---Fifty-three journalism and open government groups again [ask](#) President Obama to change policies that constrict information, including prohibiting journalists from communicating with staff without going through public information offices, vetting and monitoring interviews.

28 examples of what happens every day

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#1—When a reporter asks for answers about major changes to Medicaid that GAO has concerns about, CMS give a two sentence non-answer and mandates that it's on background.

#2—NIH tries to redact a scientist's comments to a reporter and then blames the reporter, even though she checked with them. NIH indicates scientists can speak of nothing at meetings outside the realm of their presentation.

#3—CMS doesn't give documents to reporters that might show billions in overpayments to Medicare Advantage: "CMS is acting like it's the CIA or there's national security at stake."

#4—FDA just doesn't answer on question about Ebola.

#5—After FAA official's speech PIO intercepts reporters to block clarification questions.

#6—HHS ethics office blocks interviews over months while it considers one of the most prominent topics on human research ethics behind closed doors.

#7—CDC refuses to allow reporter to speak to newborn circumcision experts over 20 contacts over five weeks.

#8—New York Times reporter stopped in attempt to talk to someone at HHS about implementation of ICD-10.

#9—HHS refuses an interview with a reporter writing for Neiman Reports about why it doesn't allow staff members to talk.

#10—CDC stops communication about a TB outbreak.

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#12—PIO is thinks reporter's idea she could speak to someone is "hysterical."

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- #19—During Charleston drinking water crisis, reporter waits a week on EPA. CDC director sends him back to the stonewall of the press office.**
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- #28—Everything secret or veiled about the climate change accord?**

When a large program is questioned, the PIO gives non answers

#1--A 2015 General Accounting Office report indicates that “waivers,” by which states are doing “demonstrations” under Medicaid, are making major changes in the program, one of the biggest expenditures in the U.S. budget. It said there would be need for monitoring for integrity.

I emailed CMS about the report, but also asked a list of questions including how CMS was following up on the issues that GAO had cited years ago. I asked for an interview.

I was writing for tens of thousands of pediatricians.

The answer from CMS was:

“Thank you for your inquiry. On background – CMS has not provided any other response to the report beyond what is already included in the report.”

It’s a non-answer about questions that have been raised about a very large program. And the PIO imposes background conditions for no reason. Background, when it is used, should be only on agreement between journalist and source, and should be for the purpose of getting more information to the public, not less.

Kathryn Foxhall
Freelance Reporter

NIH objecting to coverage

#2--I recently attended the American Society of Hematology's annual meeting in Orlando, and as part of it I interviewed a doctor from the National Institutes of Health. It was an impromptu interview during the poster session, but his comments were helpful and it all seemed to go well. He only requested a quote check and that I contact the press office to get their approval, which he foresaw as not being an issue.

He responded to the quote check very promptly, making only minor revisions, and the press office seemed fine with it as well. However, soon thereafter, they emailed me back and said that after further discussion with the doctor, they wanted all his comments redacted because he had been speaking on a topic outside the scope of his poster.

In response, I offered to put his comments on background. However, a higher-up in the press office soon emailed me back saying the real reason they wanted the comments redacted was that

he did not know initially that I was a reporter, and that if he had known, he would not have answered any questions and instead directed me to the press office. This was flatly untrue, as I had introduced myself as a reporter and was wearing the distinctive press badge given to journalists at the ASH conference. And, the very fact that he had answered my questions, gone through with the quote check and asked me to clear it with the press office in the first place makes it obvious he knew whom he was speaking to.

...I'm rather disturbed that these PAOs feel emboldened to essentially defame us professionally - that's the kind of behavior I'd expect in an authoritarian country.

Alaric DeArment
BioPharm Insight

Nightmarish dealings in getting reports from CMS

#3--I ... wanted to tell you about our nightmarish dealings with the Centers for Medicare and Medicaid Services as we attempted to look into billions of dollars in overpayments to Medicare Advantage, a privatized Medicare option run mainly by large insurance companies that has signed up about 17 million Americans. That's about a third of people eligible for Medicare and this program costs taxpayers about \$150 billion a year.

The Center for Public Integrity filed a FOIA request for a wide range of Medicare Advantage audits, which CMS completely ignored. After a year, we sued under FOIA and eventually won a court order directing CMS to start releasing these records. Huge portions of what's been released, however, are completely redacted, while more than 2,000 pages have been "withheld in their entirety." Considering that these records concern audits and payments of tax dollars to big insurance companies, and that CMS has long released payment data and audits concerning other participants in Medicare (doctors, hospitals etc.) this stance is bewildering. CMS is acting like it's the CIA or there's national security at stake.

Despite all the redactions, we're written a number of stories exposing overpayments to the plans and CMS' problems overseeing Medicare Advantage spending. Obviously, those stories could be a whole lot better if so many records weren't heavily blacked out, or missing altogether. We are continuing this fight in federal court in DC.

Fred Schulte
Center for Public Integrity

FDA just not answering on Ebola

#4--Basically, the FDA held its annual science writers' conference on Sept. 18th, and the PR folks took us on tours of several of their labs. They passed out a lot of papers explaining what each lab was working on and seemed open to -- nay, encouraging of -- followups.

But when I emailed them on Oct. 15th to set up an interview with one of the researchers we met, I was basically stonewalled. I heard nothing back for five days so I re-sent my email on Oct. 20; the PR person said she forwarded my email to someone else in her department and that was the last thing I heard.

The request: “Is there any way I can get written material on what that lab is doing (I'm not sure I still have that handout) and also speak with a researcher there? I'm interested in both the Ebola research and the lab equipment they're developing that's portable and easy to take out into the field.”

Joyce Frieden
News Editor
MedPage Today

FAA: jumping in front of reporters to stop all clarifications about drones

#5--Oct. 30 this year, a Georgia state legislature study committee held a public hearing about drones. They're thinking of making some drone regulation next year.

One of their invited expert speakers was one Michael Wilson, the FAA Southern Region Unmanned Aircraft Systems Program Manager. He talked for about an hour. He explained that the FAA is in the middle of a rule-making process on civilian drones, but in the meantime, to fly a drone for commercial gain requires a pilot's license.

I had no idea of any of that, I am by no means familiar with drones, so I wanted to follow up, make sure I understood that correctly. When Wilson got done talking and the people with notebooks and cameras started approaching, we were intercepted by one Kathleen Bergen, External Communications Manager, Public Affairs, Atlantic Media Relations Division and told us Wilson cannot talk.

For me, this was not a huge problem. I had quotes from him. I just wanted to read back my notes and confirm that my understanding is correct. You need a pilot's license, a real pilot's license, to fly a drone for commercial gain? And in Georgia only 21 entities have such licenses?

For the rules she has to follow, it was apparently a HUGE problem. First I had to put away my recorder and not to attribute to her. Then her answer was to tell me that drone piloting rules are on the website, as is a list of all license-holders.

I told her I don't want an angry phone call if my story is wrong, because I'm right here in front of her trying to confirm my understanding.

She invited me to write her an email. It was 1 p.m. or so by this time; I have a deadline. She said drone rule-making is a really sensitive subject such that neither he nor she could talk.

If it's so sensitive, all the more reason that spokespeople should be encouraged to help the media get it correct, right?

Ugh.

TV had a bigger problem. She wouldn't let Wilson speak on camera afterward. Even though he had just spoken in a public forum for an hour in front of at least one camera. She told TV they missed their chance if they were out of the room. Which is kind of true, but really unhelpful.

....

No dice!

I will say one nice thing though. She didn't treat me any worse for being an alt-weekly reporter. She did a good job shutting everyone down equally.....

Maggie Lee
Freelance Reporter
State and Local Government
Atlanta, Georgia

HHS ethics office won't talk about what it is doing

#6--The Office of Human Research Protections was working in 2013 on one of the most important medical research ethics questions in years, having to do with what parents are told about research on their newborns. I called to speak to someone to get an update and was not allowed to talk to anyone at all.

The PIO said, "OHRP has not been giving interviews on the topic, other than to say it is working on the draft guidance. It has not set a deadline for issuing the guidance."

So we didn't know who OHRP talked to in the meantime.

Forty-three years ago the nation discovered the US Public Health Service had experimented on 399 African American men by not treating them for syphilis and not telling them what was happening. Government officials continued the Tuskegee experiment until the Associated Press,

tipped off by a former employee, covered the story. The incident became the basis of many of the medical research ethics standards, continuing until today.

Ironically, today government ethics officials are specifically blocking the press from speaking people who might tell them what is happening.

Kathryn Foxhall
Freelance Reporter

Hiding newborn circumcision experts

#7--I asked the Centers for Disease Control and Prevention to allow me to speak to its experts on newborn circumcision 20 times over five weeks. I had identified three experts who had been key to the agency's work on the issue. CDC wanted me to speak only to a public relations person and never allowed me to speak to anyone else. I declined to speak to the PR person. I put out a press release on the issue.

Kathryn Foxhall
Freelance Reporter

ICD-10 experts can't talk

#8--In December 2013, a New York Times reporter emailed CMS asking to talk to someone about the coming implementation of ICD-10 medical coding system

He was never allowed to speak to anyone.

There are big issues related to ICD-10, which took years to bring to fruition in this country. Medical coding touches on sensitive matters including reimbursement, special interests and their impact on government and healthcare and what information can be gathered on medical care. There are people in HHS agencies who are world class experts in medical coding issues. Chances are almost 100 percent that the story would have been different if a reporter could have talked to the experts and particularly if the reporter could have communicated without notifying the authorities.

HHS not talking about not talking

#9—Neiman Reports recently did an [article](#) on blockages that public health reporters are finding at public agencies. Health and Human Services would not do an interview with the reporter. A public affairs person wrote a statement instead.

CDC doesn't allow contact, because of its idea of how the reporting should go

#10—The Centers for Disease and Prevention refused to allow a reporter to talk to a CDC expert who worked on a TB outbreak in Florida saying that the state or local area should take the lead in answering the questions. The reporter was trying to talk to the state and local area, also.

Washington Post, March 10, 2015

We should all trust each other

#11--John Verrico, president of the National Association of Government Communicators, told the Washington Post we just need to trust: “You need to trust that we are getting you complete and accurate information, and we need to trust that you are going to use the information we provide properly and in the context it was intended.”

Washington Post, March 10, 2015

Laughable: a reporter wanted to talk to someone

#12—According to an article in Government Executive magazine, Walinda West, deputy director of media relations for the Veteran's Administration, was asked for an interview about the VA engaging with the press. Her email reply was, “LOL! You are hysterical. We will decline, but you can talk about all your wonderful encounters with the VA, how we are the best agency in the federal government....”

FEMA: Are we prepared? Staff can't talk about it

#13—Under FEMA policy, all questions or interview requests, “however minor,” must be coordinated through the public affairs office, except in the case of a crisis, according to an article Government Executive. The magazine's reporter asked to talk to a particular employee this summer who wanted to talk to her. The request went to over three different public affairs officials over three weeks, but was never approved, according to the reporter. How do we think we know enough about whether the agency is ready for the next disaster?

USDA gives runaround for months

#14--During *The Oregonian's* inquiry about salmonella infection from one producer, “For several months, the USDA dodged questions, ignoring some queries and answering others that were not asked, going silent for long stretches, and professing a desire to help only to say repeatedly *that's not possible*. Terry pushed for an interview with USDA officials. After resorting to written questions—submitting two different sets and getting back what Terry calls “largely unusable,” vague answers—the paper was finally granted a 15-minute interview with USDA Deputy Under Secretary Al Almanza.”

This according to a Columbia Journalism Review [article](#).

Says the article: “How eager will the paper—or any news outlet—be to re-load and take aim at the next battleship? What other stories get shelved or go untended during the struggle?”

CMS clams up and goes silent

#15—The Columbia Journalism Review article said that for a ProPublica [story](#) in June “showing that Medicare paid nothing for popular tranquilizers in 2012 but \$377 million for the same drugs in 2013, CMS went silent.” The article said CMS provides ProPublica with a great deal of data enabling investigation of doctors’ prescribing. But the reporter said when ProPublica “returns with questions about the findings, CMS often clams up—sometimes saying nothing and other times sending an empty statement. ‘If they don’t have a good answer, they’re not going to answer the question,’” the reporter interviewed said.

No HHS answer on the impact on the public

#16— The CJR author asked HHS about the problems reporters are having. She wrote, “The HHS Office of Public Affairs asked me to submit questions in writing and then answered 13 of my 18 queries, often repeating similar language and phrases in response to different questions. One of my questions was about the effects on the public of excessively controlled, restricted information flow from government health agencies. That one went unanswered.”

Not allowing person to speak about abuse allegations

#17--The New York Times reported in July, 2012, that a federal health services psychologist had reported to his superiors that child abuse on a North Dakota reservation was rampant and being ignored.

Portions of his emails about the situation had appeared in the New York Times.

Soon thereafter the Department of Health and Human Services leveled punishment against the psychologist, but soon rescinded it, according to the paper.

But in the midst of it, HHS refused to allow the psychologist to talk to the New York Times reporter.

That HHS prohibition against people talking to each other came just over two weeks after the Louis Freeh report on child abuse at Penn State said that powerful leaders had concealed critical facts in that case.

Society of Environmental Journalists Members Experience Most Press Offices as Obstacles

#18--The Society of Environmental Journalists is a 25-year-old professional association dedicated to strengthening environmental journalism and advancing public understanding of environmental issues. Most of our roughly 1,200 members are journalists.

For more than a decade, our members have complained that press officers at EPA and other agencies we deal with (Interior, FDA, CDC, etc.) obstruct their access to information and officials they need in order to do their jobs of informing the public. The situation was bad during the Bush administration. But under the Obama administration, which took office with a pledge of increased transparency, it has only gotten worse. We know it does not have to be this way -- because there are a few agencies still (e.g. USGS, NOAA) where press offices make it their job to help connect reporters with sources and information.

Our complaints to the agencies have often been met with denials, delays, excuses, brush-offs and intimidation. That is why we are asking for White House intervention.

But the problem is real. We cite some examples:

Refusal to answer on drinking water crisis

#19 In January of 2014, as hundreds of thousands of people around Charleston, WV, were struggling with a drinking water contamination crisis, the region's main environmental reporter, Ken Ward Jr. of the Charleston Gazette-Mail, had to wait a week to interview anyone from EPA -- the main federal agency overseeing drinking water. During the same crisis, the U.S. Centers for Disease Control and Prevention refused to make anyone available to explain the scientific basis for its determination that the water was safe to drink. When a reporter reached the CDC director by phone, he refused to answer any questions and referred the reporter back to the same press office that had stonewalled the issue.

Three month run around for a Pulitzer reporter

#--20 Pulitzer-winning reporter Lisa Song of InsideClimate News (with Jim Morris of Center for Public Integrity) spent three months trying in vain to get an interview with someone at EPA about air pollution from hydraulic fracturing in Texas. See: "[Runaround: Three Months of Correspondence With the EPA](#)," July 24, 2014.

Promises, but not enough information for a story

#--21 On Jan. 16, 2014 Dan Telvock of the Investigative Post in Buffalo, NY, sought backup for an EPA official's public statements about environmental risk in a low-income neighborhood he was writing about. The official initially said she would provide the information and asked Telvock to email his request. After he did so, an EPA press-office spokesman called and promised the information. Over the next nearly three weeks, EPA dribbled out unrelated information and an interview with someone who could not address Telvock's original inquiry. He wound up without enough information to write a story.

Waiting for information on federal shutdown impact

#--22 Independent journalist Gary Wilson, a commentator for Great Lakes Echo and a contributor to WKAR in East Lansing, Mich., emailed the Chicago regional EPA office in January seeking routine information on federal funding for fighting invasive Asian carp in the lakes. Eight days and a reminder later, he received the requested figures. He's still waiting, though, for an answer to his query last fall about the impact of the federal shutdown on cleanup of toxic dump sites in the lakes region.

Having to go to the top for one interview

#--23 A journalist with Reuters spent more than a month trying to get EPA's public affairs office to approve him talking with an agency scientist about the effects of climate change. The public affairs officer did not respond to him after his initial request, nor did her supervisor, until the frustrated journalist went over their heads and contacted EPA's chief of staff.

After three weeks, a non answer.

#--24 Also in January, Portland, Ore., journalist and author Elizabeth Grossman contacted EPA seeking information about the agency's regulation of contaminants and emissions from dairy operations for a Yale Environment 360 story. Nearly three weeks later, she had received a nonresponsive one-sentence statement and a link to an EPA web site, but no answers to the detailed questions she had posed.

Carbon dioxide emissions rule: EPA prefers to communicate by Twitter

#25-- In its June 2, 2014, roll-out of its carbon dioxide emissions rule for existing power plants, EPA held only a truncated, anonymous, "background" tele-briefing for journalists. When SEJ complained on behalf of members, EPA's spokesman said the agency preferred to communicate through Twitter.

On octane booster, no answer from scientist or PIO

#26-- In August 2015, Virginia journalist Bill Kovarik emailed an EPA scientist asking if there was any more information available on the octane booster MMT. The scientist didn't respond, but the same day Kovarik received a call from Christie St. Clair in EPA's media office. Kovarik said he was simply seeking background information on the chemical. St. Clair told him she would get back to him very soon. He hasn't heard from her since.

On septic system pollution, no interview, written response that is not helpful

#27-- On Sept. 28 of this year, Brett Walton, correspondent for Circle of Blue, an award-winning online publication about water, contacted Maureen Pepper in EPA's Office of Wastewater for a story on septic system pollution. She told him he would have to go through the press office to speak with her. The next day, Walton emailed Robert Daguillard in EPA's press office, asking to interview Pepper. Daguillard asked Walton to email him a list of questions so the press office could determine who was best to answer them. After doing that, however, he received only a "vaguely helpful" written response with general information that didn't address Walton's questions. Walton was instructed to attribute the inadequate response to "US EPA" rather than to Daguillard.

Climate change briefing: one on background for selected press, one away from the press

#28—On December 12, the administration sent out an invitation, apparently only to selected media, for a briefing call on the climate change negotiations in Paris. But the call was for invitees only, it was on background, not for the daybooks and not for broadcast. On December 14, there was an invitation to a White House conference call on the accord with Assistant to the President for Science and Technology John Holdren. But the email states, "This call will be off-the-record and not for press purposes."

Resources

Columbia Journalism Review article

---“Today’s federal agencies are ‘highly messaged controlled.’ Here’s what it means for health reporting.

http://www.cjr.org/the_second_opinion/health_reporting_obama_administration.php

“Obama’s Opaque Administration Makes It Harder to Cover Climate Change.”

Bulletin of Atomic Scientists

--November 30, 2015

<http://thebulletin.org/obamas-opaque-administration-makes-it-harder-cover-climate-change>

“We Are Here to Help You,” Government Executive Nov. Dec 2015

---Article looks at the problems of getting information from government agencies.

Kellie Lunney.

<http://edition.pagesuite-professional.co.uk/Launch.aspx?>

[EID=b3324da1-05ac-408a-86e1-37ab0f1d3625](http://edition.pagesuite-professional.co.uk/Launch.aspx?EID=b3324da1-05ac-408a-86e1-37ab0f1d3625)

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SPJ 2015 Resolution on the Issue

--<http://www.spj.org/res2015.asp#12>

2015 Letter to President Obama

---On August 10, 53 journalism and open government groups again asked President Obama to change policies that constrict information flow to the public, including prohibiting journalists from communicating with staff without going through public information offices, vetting and monitoring interviews.

SPJ 2015 Survey of Science Writers

---New survey sponsored by SPJ finds that science writers often face the same restrictions as other reporters.

<http://spj.org/pdf/foi/science-writers-survey-report.pdf>

Washington Post Story on Restrictions

---Washington Post story on lack of access cites SPJ’s surveys.

http://www.washingtonpost.com/lifestyle/style/access-denied-reporters-say-federal-officials-data-increasingly-off-limits/2015/03/30/935b4962-c04b-11e4-ad5c-3b8ce89f1b89_story.html

Letter to President Obama

--July 8, 2014, the Society of Professional Journalists and the Society of Environmentalists led in sending a letter from 38 journalism and open government groups to President Obama asking him to stop the excessive controls on journalists, including the requirement to go through PIOs to speak to staff members.

<http://blogs.spjnetwork.org/spjworks/spj-in-the-news-white-house-letter-reaches-its-destination-and-then-some/>

Neiman Reports

---June 12, 2014: "Public health reporters say federal agencies are restricting access and information, limiting their ability to cover crucial health issues."

<http://www.nieman.harvard.edu/reports/article/103106/Talk-to-the-Hand.aspx>

Op-Ed for Sunshine Week, 2014

---The National Press Club and the Society of Professional Journalists posted an op-ed for Sunshine Week saying these controls at all levels threaten the foundations of democracy. Several outlets ran it, including Poynter.org, the Buffalo News, and Cleveland.org. <http://sunshineweek.rcfp.org/president-other-government-leaders-should-end-spin-control-culture/>

News Event: Two 2014 Surveys Show the Problem Is Pervasive Nationally

---NPC, SPJ and the Education Writers Association presented two new surveys on press office interference done by Carolyn Carlson on March 19 at the National Press Club. The reports are groundbreaking, illustrating the problem is pervasive in many areas of the country, and in all sorts of entities. The great majority of reporters said they felt the public is not getting the information it needs because of the barriers. <https://www.spj.org/news.asp?ref=1230>

The appendices with reporters' open-ended comments illustrate a tide of hard-ball obstruction.

House Website on VA Stonewalling Reporters

--The House of Representatives Veterans Committee started a website on VA facilities stonewalling reporters prior to the current news stories on the VA.

<http://veterans.house.gov/VAHonestyProject>. Story about it: <http://washingtonexaminer.com/house-committee-puts-up-website-to-track-stonewalling-by-veterans-affairs-press-office/article/2546194>,

However, the House Committee, itself, does send reporters through its own PAO.

2013 Presentation at the National Academy of Sciences:

---A presentation at a National Academy of Sciences workshop in December said these restrictions are powerful, mean censorship that is new on an historic basis and radical. The response could not have been better, with many people coming up to talk about it. The 17-minute video is number 11 on the link: http://www.youtube.com/playlist?list=PLI_XctmLK37Pq447NUHLxEOi1L-c-vx6K

--The NAS report on the workshop with a summary of the talk is available. Search on "Foxhall." http://www.nap.edu/catalog.php?record_id=18728_A written copy is available.

FDA Denies Petition

---The FDA denied a reporter's petition on the issue, saying employees can become whistleblowers if they want to say anything. A copy is available.

Panel at the National Press Club, August 2013

---A panel at the National Press Club, August 12, 2013, covered by CSPAN-2, <http://www.c-spanvideo.org/program/314509-1>. features debate on the issue. Written presentations from that panel: paosandreporters.blogspot.com.

One survey indicates most reporters working with federal agencies feel the interference is censorship. Another found that 40 percent of PAOs admitted that they blocked specific reporters because of "problems" with their prior stories.

<http://www.nagconline.org/documents/MediatedAccessReport11Mar2013.pdf>

<http://spj.org/pdf/reporters-survey-on-federal-PAOs.pdf>

TIMELINE: Selected Events on PIO Censorship and the Obama Administration

AHCJ Asks President Obama to End the Restrictions

March 4, 2009—Association of Health Care Journalists [writes](#) to President Obama calling for an end of, “practices that require public affairs officers to approve and monitor journalists’ interviews with federal staff.”

Eleven Journalism Groups Ask FDA to End the Restrictions

December 2, 2009—11 journalism organizations [write](#) to FDA asking it to, “end requirements that journalists and FDA employees notify or obtain permission from an agency official in order to conduct an interview.”

Thirteen Journalism Groups Ask Administration to End the Restrictions

Early 2010—13 journalism organizations write to the Obama administration asking for an end to the restrictions.

SPJ Resolution Call on Obama to End the Restrictions

October 2010—SPJ passes a [resolution](#) against the restrictions, calling on Obama administration to end them.

OSTP Integrity Memo Endorses the Practice of PIO Monitoring

December 2010—Obama Administration’s Office of Science and Technology Policy’s Scientific Integrity [Memo](#) endorses the restrictions, making the presidential administration probably the first in history to do so in writing at such high a level. The memo says, “Federal scientists may speak to the media and the public about scientific and technological matters based on their official work, with appropriate coordination with their immediate supervisor and their public affairs office.”

Administration Officials Don’t Participate in Discussion

September 2011—Article in the Columbia Review of Journalism discusses the issue.

October 2011—Panel [session](#) at the National Press Club, flowing out of the CRJ article, discusses the issue. Administration officials do not participate despite numerous invitations.

SPJ-Sponsored Survey Finds Most Washington Journalists Believe the Practice Keeps Information from the Public

Spring 2012—SPJ-sponsored [survey](#) of Washington journalists finds that most believe the practice is censorship that keeps information from the American people.

Education Writers Note Pervasive Problems

January 2013—Education Writers Association puts the issue on its listserv and a number of reporters from around the country write to say the practice is pervasive and/or aggressive in their area.

Survey Finds Most PIOs Monitor Reporters

Spring 2013—[Survey](#) of PIOs/POAs finds most PIOs do the monitoring of reporters. Among other things, 39 percent say they block reporters they have had “problems” with in the past.

FDA Petition Denial Indicates Staff Who Want to Speak Can Become Whistleblowers

August 2013—Four years after a petition was filed on the issue, the Food and Drug Administration issues a denial on the issue, saying, among other things, that if staff people want to say anything they can become whistleblowers.

Debate on CSPAN-2

August 12, 2013—A [session](#) at the National Press Club, covered by CSPAN-2, has PIOs and reporters debating the issue. Written presentations: paosandreporters.blogspot.com.

Presentation at the National Academy of Sciences

December 2013—Kathryn Foxhall's [presentation](#) at a National Academy of Sciences workshop says these restrictions are powerful, mean censorship that is new on an historic basis and radical. The response from audience members was very support. A written copy is available.

Sunshine Week Editorial Says Restrictions Threatens the Foundation of Democracy

March 2014---The National Press Club and the Society of Professional Journalists posted an [op-ed](#) for Sunshine Week saying these controls at all levels threaten the foundations of democracy. Outlets running it include Poynter.org, the Buffalo News, and Cleveland.org.

Surveys Show Pervasiveness of Blockages

March 2014—NPC, SPJ and the Education Writers Association present [two new surveys](#) on press office interference at a press event. The reports are likely the first to document the pervasiveness of the problem in many areas of the country, and in all sorts of entities. The great majority of reporters said they felt the public is not getting the information it needs because of the barriers. The appendices with reporters' open-ended comments illustrate a tide of hard-ball obstruction.

Editorial in Editor and Publisher

May 2014-- "Editor and Publisher" publishes 6-page [op-ed](#) saying the censorship by PIO has become a cultural norm across the United States

House Veterans Committee Documents Blockages by the VA

March 2014—The House of Representatives Veterans Committee has started a [website](#) listing instances of VA facilities blocking reporting. However, the House Committee, itself, does send reporters through its own PAO.

Neiman Reports Article

June 12, 2014---Neiman Reports [article](#) says, "Public health reporters say federal agencies are restricting access and information, limiting their ability to cover crucial health issues."

Groups Ask President Obama to End Restrictions

July 8, 2014—The Society of Professional Journalists and the Society of Environmentalist Journalists lead in sending a [letter](#) from 38 journalism and open government groups to President Obama asking him to stop the excessive controls on journalists, including the requirement to go through PIOs to speak to staff members. The letter gets extensive coverage including an editorial in [USAToday](#).

Washington Post Story on Restrictions

March 2015---Washington Post [story](#) on lack of access cites reporters saying, "An agency spokesman — frequently a political appointee — rejects the reporter's request for interviews, offers partial or nonresponsive replies, or delays responding at all until after the journalist's deadline has passed."

SPJ 2015 Survey of Science Writers

March 2015---[Survey](#) sponsored by SPJ finds that science writers often face the same restrictions as other reporters.

2015 Letter to President Obama

August 10, 2015---Fifty-three journalism and open government groups again [ask](#) President Obama to change policies that constrict information, including prohibiting journalists from communicating with staff without going through public information offices, vetting and monitoring interviews.