Group Seeks Public Access to Congressional Research

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American taxpayers spend more than $100 million a year supporting the work of the Congressional Research Service, a little-known but highly regarded division of the Library of Congress. But unlike the library itself, the research service is by law exclusively for the use of members of Congress. Only they and their staffs have access to the reports and memorandums it generates, and only they can decide to make its work public.

A nonprofit group, the Center for Democracy and Technology, is leading a fight to change that.

“We think the public should have access to the information that is shaping legislation and policy, especially since it pays for that information,” said Ari Schwartz, the organization’s chief operating officer.

The center has been working for years to gain access to the service’s reports. In a recent informal online survey financed by the Sunlight Foundation together with the center and OpenTheGovernment.org, the research service’s reports were the government documents the most respondents wanted to see.

The center has created a Web site, Open CRS, on which it makes some of the research service’s reports available, but until recently, the only comprehensive source for the reports — there is no public index of them — was a small company, Penny Hill Press. Based in Maryland, Penny Hill Press sells the reports to lawyers, universities, lobbyists and corporations, as well as to Gallery Watch, which makes them available online.

“We wear out a lot of shoe leather and get cauliflower ear on the phone and use e-mail and every other trick we can, and we manage to get virtually all of the new C.R.S. documents,” said Walter Seager, owner of Penny Hill.

Mr. Seager said there were about 20 new documents, including updates to reports, each day. He started the effort in 1992, and he and one of his sons do most of the work finding the reports and updates. His wife, a dental hygienist, helps run the business.
“I’m 70 years old and getting tired, but my son is younger, so this will continue until such time as C.R.S. or Congress does the right thing and makes the reports freely available to the public,” Mr. Seager said.

In February, Wikileaks, an online source of hard-to-get documents, began offering access to 6,780 of the research service’s reports dating to 1990.

Members of Congress may make the reports public, and their constituents can write to ask for copies of reports they know exist.

“Because there was no index until we created one, in most cases, the only reports the public was able to see were the ones that politicians saw as useful to their political agendas,” said Daniel Schmitt, a Wikileaks representative.

Mr. Schmitt would not disclose how Wikileaks has gotten the documents, and he said fund-raising challenges made it difficult for the Web site to continue providing new documents of all kinds.

Janine D’Addario, a spokeswoman for the research service, said that by law, its work is to be exclusive and confidential to Congress. Additionally, a provision in the appropriations bill that finances the service each year forbids it to make its work public.

“That is Congress’s call,” Ms. D’Addario said when asked whether the reports should be made public.

She said, however, that release of the reports would put the research service into an awkward position between members of Congress and their constituents.

“Publication of our products directly to the public could put C.R.S. in an intermediate position between members and their constituents, and it is the member, not us, who represent their constituents,” Ms. D’Addario said.

There is no classified information in the reports, nor any copyrighted information. But Congress has consistently balked at sharing the reports.

“Reports are produced by the Congressional Research Service staff for the education of members of Congress,” Kyle Anderson, a spokesman for the House Administration Committee, which has jurisdiction over the issue in the House, wrote in an e-mail message. “Just as other memos produced by staffers for members of Congress aren’t made public, these are not.”

Mr. Schwartz made it clear, however, that the organization was seeking the public release of only reports the research service produces, not the memorandums it also writes for members of Congress.

A bipartisan group of senators, including John McCain, Republican of Arizona, and Patrick J. Leahy, Democrat of Vermont, has tried for the last decade to make the reports public.

A spokesman for Senator Charles E. Schumer, the New York Democrat who is the new chairman of the Senate Rules Committee, said Mr. Schumer was “aware of the arguments for making these reports public” and was reviewing the current policy.

Senator Joseph I. Lieberman, independent of Connecticut, who makes several of the reports available on his Web site, has twice proposed legislation to make the reports public, but to no avail. He did so again last week.
“For too long, C.R.S. reports have been available to the public only on a haphazard basis,” Mr. Lieberman said in an e-mail message. “These reports inform members of Congress and their staffs on a wide range of issues. The American people, who pay for these reports, should be able to learn from this same expert analysis.”