

# Court to Restudy Release Of Secret Report on SST

4/14/71  
By Sanford J. Ungar  
Washington Post Staff Writer.

The U.S. Court of Appeals ordered reconsideration yesterday of whether a secret presidential report condemning the supersonic transport (SST) must be released.

Warning that "the growth of specialized scientific knowledge threatens to outstrip our collective ability to control its effects on our lives," a three-judge panel said documents of the Office of Science and Technology are covered by the Freedom of Information Act.

In a 23-page opinion by Chief Judge David L. Bazelon, the appeals court reversed a decision last summer by U.S. District Court Judge Hohn H. Pratt that the anti-SST report is protected by "executive privilege."

Pratt was ordered to hold a new hearing to determine if the report meets one of the nine categories of exemptions

in the Freedom of Information law passed by Congress in 1966.

Bazelon made it clear, however, that the court feels "it would defeat the purposes of the OST, (the Office of Science and Technology) as well as . . . the Act, to withhold from the public factual information on a federal scientific program whose future is at the center of public debate."

Development of the SST, strongly championed by the Nixon administration, was halted last month after Congress refused to renew federal funding for the aircraft project.

The SST report was drafted in 1969 by a committee of scientists at the request of Dr. Lee A. DuBridge, then the President's science adviser.

Although it has never been publicized, the report is understood to predict serious environmental damage if the SST

is ever used in the United States.

Industrial physicist Richard L. Garwin, who chaired the advisory committee, testified before the House Government Operations Committee last spring against the SST.

After Rep. Henry Reuss (D-Wis.) and others failed to obtain release of the report, the cities of New York and Boston and environmental groups filed a suit in U.S. District Court under the Freedom of Information Act.

Should the report be found to qualify for one of the Act's exemptions, such as that protecting "national security," Pratt should nonetheless permit release of the nonoffending portions, Bazelon said.

Appeals Judge Malcolm R. Wilkey disagreed with the majority, suggesting that the critics were seeking "advice" given the President rather than just the "facts" about the SST.