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Freeing More Information

ATTORNEY GENERAL Griffin B. Bell has embarked on a good campaign. He is trying to persuade federal agencies to reduce their resistance to the Freedom of Information Act and to disclose more material without a fight. Mr. Bell has chosen an interesting way to get his message across. He notified all federal departments and agencies earlier this month that if they deny requests for trivial reasons, and get taken to court, the Justice Department may not come to their defense. The department will pursue such cases, Mr. Bell wrote, "only when disclosure is demonstrably harmful." The new standard is also being applied to the 600-odd FOIA cases now cluttering the courts. After a full review, the Attorney General warned, he may conclude that some of these cases "should no longer be continued and that information previously withheld should be released."

Essentially, Mr. Bell wants the agencies to use their discretionary power to approve more disclosures, instead of processing requests mechanically and finding lots of little reasons to say no. For instance, the FBI has been known to delete names in copies of

newspaper clippings before releasing a file. That sort of silliness ought to be stopped within the agency involved.

Mr. Bell's forthcoming approach is sound and certainly in keeping with the spirit of the law. At the same time, it is not problem-free. More and more FOIA challenges these days are so-called "reverse" suits, filed by parties—often corporations—who do not want the government to release information in its possession about business details or other matters that are arguably private. General Motors, Westinghouse Electric and U.S. Steel just won such a case when the Supreme Court let stand a decision by the Fourth Circuit Court of Appeals that certain parts of the companies' equal-employment reports to the Labor Department may not be disclosed.

Such serious questions, now being treated differently by various courts, will no doubt be resolved gradually. Meanwhile, it would certainly help to clear away much of the underbrush of trivial denials, delays and appeals. That is what the Attorney General seems to have in mind. We applaud his spirit and initiative, and urge him to persevere.