

President Signs Order Prescribing More

By George Lardner Jr.
Washington Post Staff Writer

President Reagan yesterday signed a new executive order governing classified information that reverses a steady trend of the last 30 years and prescribes more government secrecy. In a statement accompanying the edict, Reagan said the order would enhance "protection for national security information without permitting excessive classification of documents."

Officials acknowledged at a briefing for reporters, however, that not one new proviso could be said to have been aimed at preventing overclassification or encouraging declassification of government records.

The 19-page order replaces rules promulgated by President Carter in 1978 and makes it easier to classify government documents as secret and harder to get them declassified. The new system will:

- Eliminate the standard for

"identifiable" damage to the national security and permit documents to be classified if any unspecified sort of "damage" can be expected as a result of unauthorized disclosure.

- Make the stamping of government documents as "top secret," "secret" and "confidential" mandatory, rather than permissive, whenever those labels are applicable.

- Wipe out the so-called "balancing test" of the Carter order requiring that the "the public's interest in

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access to government information" be considered by government classifiers alongside the need to protect certain items from disclosure.

- Permit reclassification of information already "declassified and disclosed" if information is regarded as sensitive once again and if it can "reasonably be recovered."

- Cancel the current rule providing for systematic declassification review of records as they become 20 years old.

The initial reactions from Capitol Hill were split primarily, but not exclusively, along party lines.

Rep. Glenn English (D-Okla.), chairman of the House government information subcommittee, said the order reflects "a few small improvements" over earlier drafts. He said "the message . . . still is 'classify, classify, classify.'"

English noted that White House counselor Edwin Meese III, in re-

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marks to a group of newspaper editors here three weeks ago, had blamed "the bureaucracy" for trying to expand government secrecy in early drafts and assured his audience that the situation was being corrected.

"I, and I believe the president fully supports this point of view, I have been working for, now 13 months, to have less classification of documents," Meese asserted at the time.

Despite that, English protested that "the order as issued is virtually unchanged from earlier drafts. One can only assume that the mania for

secrecy goes all the way to the top of the administration."

Meese was not among the three "senior administration officials" who conducted yesterday's White House briefing, but one who did acknowledged that nothing in the Reagan order would promote "less classification." This official maintained that the Carter order had already been overly tilted in that direction.

In his statement, Reagan emphasized that his order "expressly—and properly—prohibits use of classification to hide violations of law, inefficiency or administrative error, to prevent embarrassment to a person, organization or agency, or to restrain competition . . ."

Those caveats, however, were taken word for word from the Carter order.

Sen. Barry Goldwater (R-Ariz.), chairman of the Senate Intelligence Committee, hailed the order as "a big improvement over the old one."

Rep. Robert McClory (R-Ill.) of the House Intelligence Committee praised elimination of the "balancing test" which, he said, "invited" courts to overrule the executive branch in a contested case and order release of documents in the name of "the so-called public interest."

Officials at the briefing conceded that the government has never been forced by the courts to release national security information over its

protests, but they welcomed elimination of the balancing test because that will make it easier to overcome the arguments of opposing lawyers in freedom-of-information suits.

"But you've never lost an argument," they were reminded.

"That's right," one of the briefers responded. "And we want to keep it that way."

Despite Goldwater's praise for the order as a whole, the Senate Intelligence Committee had unanimously urged the administration to retain the "identifiable damage" standard, but its advice was ignored.

Sen. Daniel Patrick Moynihan (D-N.Y.) called the order a bad "mistake" and protested that "the

whole point of having an executive order in the first place is to delineate the identifiable need for classification."

Sen. David F. Durenberger (R-Minn.) described the order as "a real disappointment" and said he would introduce legislation to try sheltering the Freedom of Information Act, which is tied to the executive order in various ways, from any damaging fallout.

Sen. Walter D. Huddleston (D-Ky.), also of the Intelligence Committee, said the new authority to reclassify information, which the Carter order had specifically prohibited, "can endanger First Amendment rights unless it is limited to cases of mistaken dis-

closure of information that is returned voluntarily."

The order is the first in a series since the Eisenhower administration that is not directed at producing less secrecy than the previous one. In 1972, the Nixon administration was the first to lay down the rule that any "substantial doubt" about the need for secrecy should be resolved in making the information public.

The Reagan order rejects that approach and calls for such information to be "safeguarded as if it were classified," pending a decision resolving any doubts within 30 days. This reflects a softening of earlier drafts which would have laid down a general rule of "when in doubt, classify."