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Too Much Freedom of Information?

Has the Federal Government become too open for its (and our) good? Those who say yes, carefully avoid any defense of secrecy; they decry "openness excesses." They have half a point.

No other democracy has ventured so far in assuring access to the billions of secret documents that form one of the bulwarks of bureaucratic power. Under the Freedom of Information Act, adopted in 1967 and substantially toughened by Congress in 1974, even a foreigner can petition for files sequestered in the Pentagon, the State Department and the C.I.A. It was by tapping these files that an English journalist, William Shawcross, could write "Sideshow," which relies on cable traffic of the highest security classification to describe the cover-up of the 1969-70 bombing raids in Cambodia, with their grimly frivolous code names: "Breakfast," "Dinner," "Dessert" and "Snack."

Mr. Shawcross's scholarship is said to be exceptional. But critics of the act conjure up a picture of a Government beset by cranks and crooks, dipping into the files at inordinate cost in time and money. They cite instances when, contrary to the act, the wrong information has been imprudently disclosed. It was surely not the law's intent to permit felons to identify police informants, or to provide businessmen with confidential dossiers for use in commercial lawsuits.

Still, some "openness excesses" look suspiciously like calculated mistakes meant to discredit the law; in other instances, the act is blamed for sharp practices that long antedate the notion of freedom of information. It could be the case, for example, that journalists were fed files by American officials who wanted to embarrass Israel in 1977 and 1978; one document identified Israel as a nuclear power and hinted that Israelis had stolen uranium from American plants. Governments have indulged in similar stratagems since the Hittites fed damaging information to Egyptian spies before the Battle of Kadesh four thousand years ago.

Even if the information act did not exist, the technique of the selective leak would.

The most serious charge against the law is that it impairs the work of law-enforcement agencies. Undercover contacts are said to be reluctant to confide anything that might turn up in a document accessible to the wrong eyes. The hazard is real, but the evidence is not conclusive. The General Accounting Office has found specific lapses in law enforcement that might stem from the act, but no alarming pattern. The Justice Department is taking a look and may recommend some tighter safeguards.

After the half-point is granted, however, this American experiment in open government must be seen to have undeniably enlarged the meaning of freedom and accountability. The once-radical idea of allowing access to documents of every kind is now a commonplace. A recent Harris poll found 85 percent in favor of people having the right to see their records. Strikingly, the same survey showed that the great majority of lawmen and Congressmen agree.

Because of the Freedom of Information Act, it is possible, for example, to test the record of Henry Kissinger in the light of documents that might otherwise be sealed to all but him for a generation. It has become an American assumption that no official, however exalted, should have one-sided access to documents that shape our lives.

This is an assumption that other democracies are only beginning to consider. As Mr. Shawcross remarks, his book could never have been written in Great Britain, where a restrictive Official Secrets Act shields the Government bureaucracy from awkward scrutiny. America has chosen a different path. If open government has its "excesses," they are an incidental footnote to a new chapter of freedom.