

Levi Defends Government In Confidentiality Debate

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Attorney General Edward H. Levi said last night that the government shares with individuals the need for privacy and confidentiality if it is to perform its job properly.

In what was described as a major policy statement, Levi acknowledged the desirability of striking a balance between secrecy and openness, but he repeatedly emphasized the need for government to preserve areas of confidentiality rather than the public's right and need to be informed.

"A right of complete confidentiality in government could not only produce a dangerous public ignorance but also destroy the basic representative function of government," Levi said in the prepared text of his speech to the Association of the Bar of the City of New York.

"But a duty of complete disclosure would render impossible the effective operation of government," he said. "Some confidentiality is a matter of practical necessity. Moreover, neither the concept of democracy nor the First Amendment confers on each citizen an unbridled power to demand access to all the information within the government's possession."

Referring to a bill that would require the federal government to obtain a court order for all wiretaps and to file detailed reports with the judicial and legislative branches, Levi said, "The wisdom of this scheme is dubious at best." It would "impose extraordinary burdens on the ability of the executive to conduct elec-

tronic surveillance even where foreign powers are involved," he added.

The Supreme Court has left open the question of whether national-security wiretaps require judicial approval, Levi noted, and Congress has "previously disclaimed any attempt to place limitations on the President's constitutional authority in this area."

Levi, who has set as one of his tasks the restoration of public confidence in government integrity, acknowledged the "pervasive distrust of public officials and a popular willingness to infer impropriety," which he said constitute "an unfortunate legacy" of the Watergate affair.

His speech was given in the midst of unprecedented congressional inquiries into the operation of the FBI and the Central Intelligence Agency. Levi was described by an aide as being concerned that the value of preserving some confidentiality by government should be asserted.

Levi said that the administrative burdens of complying with the Freedom of Information Act, which compels disclosure of certain types of gov-

ernment information upon request, "are enormous." Requests to the FBI have increased from about one per work day in 1973 to between 88 and 92 requests per work day, he said.

"Confidentiality is a prerequisite to the enjoyment of many freedoms we value most," Levi said. Pursuit of social, economic, and political goals requires privacy of thought, expression, and action even though legal rights created to protect privacy may infringe on society's right to know, Levi said, adding, "The rationale for confidentiality does not disappear when applied to government."