

Clark Calls for Full Compliance With New Public Information Act

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Attorney General Ramsey Clark said yesterday every executive agency "must meet in spirit as well as practice" the obligations of the Public Information Act that goes into effect July 4.

In a 47-page memorandum distributed throughout the Federal establishment, Clark said the law "leaves no doubt that disclosure is a transcendent goal" and that many agencies must drastically revise their restrictive information policies.

The memorandum set forth guidelines for implementing the law, which is designed to curb arbitrary secrecy in government. The law puts the burden of proof on Government agencies seeking to withhold several categories of information and gives aggrieved citizens the right to sue for disclosure in a Federal court.

More Strongly Worded

Clark's introductory message for the information guidelines was more strongly worded against policies of secrecy than was an earlier draft of the guidelines obtained by The Washington Post last month.

"Nothing so diminishes democracy as secrecy," Clark said in a passage added in the final drafting process. "Never was it more important than in our time of mass society, when government affects each individual in so many ways, that the right of the people to

know the actions of their government be secure."

Clark conceded that the law "is not wholly self-explanatory or self-executing" because of the wide variations of practice among the agencies affected. Some provisions "allow room for more than one interpretation, and definitive answers may have to await court rulings," he said.

Disclosure General Rule

Although the law has nine categories of exemptions from across-the-board disclosure rules, Clark stressed that the law's underlying principles specify "that disclosure be the general rule, not the exception" and "that there be a change in Government policy and attitude."

Under past practice, Government officials at many levels have invoked broad powers to deny access to records "in the public interest." The wide discretion, and its exercise in situations embarrassing to the Government, has irked Congressmen for years, especially Rep. John E. Moss (D-Calif.), Chairman of the House Government Information Subcommittee.

Moss hailed the Justice Department guidelines as a "good step forward" toward carrying out Congress's intent. He promised to police both the agencies' regulations and their future practices under the law.

The law does not reach material that is specifically exempted from public scrutiny under existing statutes. Other

exemptions are in the areas of national defense and foreign policy, certain internal operating procedures, some data received in confidence, internal memoranda, personnel and medical files, law enforcement investigation records, some information concerning regulated financial institutions, trade secrets and certain geological information.

Narrowing Interpretations

Several exemptions are susceptible of broad interpretation, but the Justice Department guidelines sought to narrow them by references to the legislative history of the Act.

According to the guidelines, the law does not require agencies to disclose internal ground rules that would compromise its ability to "bargain effectively for the acquisition of lands or services." Nor would the law demand disclosure of such official secrets as the formula for inks and paper used for printing money.

The guidelines were developed in the Justice Department's Office of Legal Counsel, which has been negotiating for months with the Moss Subcommittee and dozens of Federal agencies. President Johnson signed the law a year ago and stated, "I have always believed the freedom of information is so vital that only the national security, not the desire of public officials or private citizens, should determine when it must be restricted."