

# PRESIDENT ORDERS LIMIT ON LABELING OF DATA AS SECRET

NYTimes  
Calls for Faster Release of  
Material Not Injurious to  
the Nation's Security  
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By RICHARD HALLORAN  
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WASHINGTON, March 8—President Nixon signed today an Executive order to limit the secrecy surrounding Federal documents, a major source of information about the Government.

The President said in a statement that his action was "designed to lift the veil of secrecy which how enshrouds altogether too many papers written by employes of the Federal establishment—and to do so without jeopardizing any of our legitimate defense or foreign policy interests."

The Executive order, which will become effective June 1, calls for reducing the number of documents classified "top secret," "secret" or "confidential" when they are written and for limiting the authority of officials to stamp such classifications on those papers.

## Rely on Discretion

At the other end of the process, the order calls for speeding up the process of declassifying these documents, making them available to the public, with certain exceptions that the Administration pledged would be narrowly applied.

The President and Administration spokesmen who explained the new order readily conceded, however, that the success of the program would depend largely on the discretion of officials. Mr. Nixon said, "Rules can never be airtight and we must rely upon the good judgment of individuals throughout the Government."

The action is a result of a 14-month study ordered by the President and spurred by the publication last summer of the secret Pentagon study of the

Vietnam war. Had the new order been in effect, then, large portions of the documents in the Pentagon papers would already have been declassified.

## 10-Year Limit Set

Under the new order, "top secret" papers can become public after 10 years. Thus, documents in the Pentagon papers that were written before 1961 would have been automatically declassified or would have been subject to a challenge in which the Government would have had to prove that injury to the national security would have resulted from their publication.

Similarly, many "secret" papers dated before 1963 and "confidential" documents dated earlier than 1965 would have been available. The Pentagon papers included documents from 1945 to 1968.

The new order means that large numbers of papers from the Truman and Eisenhower Administrations should become available, plus those of the early Kennedy years. Documents concerning the Bay of Pigs operation in 1961, for instance, will be eligible for public inspection unless the Government can prove that such disclosure will harm the national interest.

Later this year, under the order, documents pertaining to the Cuban missile crisis of 1962

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will become eligible for inspection unless the Government can prove that the national interest will be harmed.

The order drew some immediate fire on Capitol Hill. Representative William S. Moorhead, Democrat of Pennsylvania, who is chairman of a House subcommittee on Government information, said, "Congress may want to write its own statutory law on this important and sensitive matter."

Along the same line, a House Armed Services subcommittee began hearings this morning on a bill proposed by Representatives F. Edward Hébert, Democrat of Louisiana, and Leslie C. Arends, Republican of Illinois, the committee chairman and senior minority member respectively.

While the Nixon Administration plans to keep control of the classification of documents in the hands of the Executive branch, the Hébert-Arends bill would establish a joint execu-

tive - Congressional - judicial commission to undertake continuing reviews of secrecy in the Government.

The general counsel to the Department of Defense, J. Fred Buzhardt, testified this morning before the House Armed Services subcommittee, which is headed by Representative Lucien N. Nedzi, Democrat of Michigan, in opposition to the Hébert-Arends bill.

Mr. Buzhardt said that, in an effort to stop unauthorized disclosures of secret information, Pentagon researchers had begun looking for a type of paper that could not be Xeroxed or otherwise duplicated. The Pentagon papers given to The New York Times and other newspapers were reportedly Xeroxed copies of the original documents — in some cases, Xeroxes of Xeroxes.

In issuing his order today, Mr. Nixon said, "We have reversed the burden of proof: For the first time, we are placing that burden — and even the threat of administrative sanction — upon those who wish to preserve the secrecy of documents rather than upon those who wish to declassify them after a reasonable time."

Under the new order, papers can be classified only if their disclosure "could reasonably be expected" to cause damage to the national interest. Previously a paper could be stamped "secret" even if the threat of damage to the national security was remote.

The new order further reduces the number of Federal agencies, outside the White House, that can classify documents. At present, 38 agencies can classify papers "top secret" or place them under the lesser classifications.

## Must Identify Officials

After June 1, however, only 12 agencies, such as the State Department, the Defense Department and the Central Intelligence Agency, can use the "top secret" stamp and 13 more will be able to use the "secret" stamp.

In the agencies that will be able to use the "top secret" label, only 1,860 officials will be authorized to assign such a classification, against 5,100 at present.

Moreover, the President said, each agency will be required to identify those officials doing the classifying. "Each official is to be held personally responsible for the propriety of the classification attributed to him," the President said.

"Repeated abuse of the process through excessive classification," the President continued, "shall be grounds for administrative action." That would be an administrative reprimand, which can be damaging to a civil servant's career.

The President also ordered that, wherever possible, classified information be separated from unclassified information.

## Exceptions to Rule

The Executive order further states: "In no case shall information be classified in order to conceal inefficiency or administrative error, to prevent embarrassment to a person or a department, to restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security."

The President ordered that the "top secret" label be used "with utmost restraint" and that the "secret" label be employed "sparingly."

As to declassification, the President ordered that "top secret" documents be made available after 10 years, "secret" papers after eight years and "confidential" items after six years.

But there will be exceptions, including the following:

Information furnished in confidence by a foreign government or international organization on the understanding that it be kept in confidence.

Information covered by law, such as atomic energy information, or documents pertaining to codes and intelligence operations.

Information on a matter "the continuing protection of which is essential to the national security." That broad statement would appear to give advocates of secrecy considerable leeway.

Information that, if disclosed, "would place a person in immediate jeopardy." That pertains to intelligence agents.

## May Ask for Document

But anyone may, after a document is 10 years old, ask for a review of the reasons why it is still kept secret. He must specify the document he wishes to see, which means that he must know that it exists. Moreover, the agency holding the paper must be able to find it "with a reasonable amount of effort."

That part of the order also applies to documents written before the order becomes effective: The President said that the National Archives had "160 million pages of classified documents from World War II and over 300 million pages of classified documents for the years 1946 through 1954."

Only a small number of those postwar documents have been made available. The vast majority are not now subject to any sort of automatic declassification as provided under the

new order. The rest are subject to declassification only after 12 years, as opposed to the top limit of 10 years under the new order.