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Watch on the Media

By Herbert Mitgang

More than five years after the Freedom of Information Act became Federal law, it is still difficult for journalists, historians and researchers to obtain information freely. The idea behind the law was to take the rubber stamp marked "Confidential" out of the hands of bureaucrats and open up public records, opinions and policies of Federal agencies to public scrutiny. It hasn't worked that way.

When President Johnson signed the bill, he declared that it struck a proper balance between Government confidentiality and the people's right to know. In actual practice, it has taken court actions to gain access to Government records. An effort is finally being made to declassify the tons of documents by the Interagency Classification Review Committee, under the chairmanship of former Ambassador John Eisenhower. This historical survey will take years.

But more than mere documents are involved. There is a matter of the negative tone in Washington.

The White House and its large communications staff have lengthened the distance between executive branch, Congress and the public. Of course, every Administration has instinctively applied cosmetics to its public face, but this is the first one operating for a full term under the mandate of the Freedom of Information Act. The result is that official information — especially if it appears to brush the Administration's robes unfavorably — is not communicated but excommunicated.

The other day Senator Symington of Missouri, a former Air Force Secretary who has been questioning the wisdom of the President's B-52 foreign policy in Southeast Asia, said: "I would hope that during this session of Congress everything possible is done to eliminate unnecessary secrecy especially as in most cases this practice has nothing to do with the security of the United States and, in fact, actually operates against that security."

This point was underscored before the House Subcommittee on Freedom of Information by Rear Adm. Gene R. La Rocque, a former Mediterranean fleet commander who since retiring has headed the independent Center for Defense Information. Admiral La Rocque said that Pentagon classification was designed to keep facts from civilians in the State and Defense Departments and that some Congressmen were considered "bad security risks" because they shared information with the public.

Reputable historians trying to unearth facts often encounter Catch-22 conditions. The Authors League of America and its members have resisted those bureaucrats offering "cooperation" on condition that manuscripts be checked and approved before book publication. The Department of Housing and Urban Development has denied requests for information about slum housing appraisals. The Department of Agriculture turned down the consumer-oriented Center for the Study of Responsive Law in Washington when it asked for research materials about pesticide safety.

The unprecedented attempt by the Administration to block publication of the Pentagon Papers, a historical study of the Vietnam war, took place despite the Freedom of Information Act, not to mention the First Amendment. And the Justice Department is still diverting its "war on crime" energies to the hot pursuit of scholars who had the temerity to share their knowledge of the real war with the public. Such Government activities not only defy the intent of the Freedom of Information Act; they serve as warnings to journalists, professors, librarians and others whose fortunes fall within the line of vision — budgetary, perhaps punitive — of the Federal Government.

The executive branch's battery of media watchmen are busiest with broadcasting because of its franchises and large audiences. At least one White House aide, eyes glued to the news programs on the commercial networks, grades reporters as for or against the President. In one case that sent a chill through network newsrooms, a correspondent received a personal communication from a highly placed Administration official questioning his patriotism after he had reported from North Vietnam. Good news (meaning good for the Administration) gets a call or a letter of praise.

The major pressure on the commercial and public stations originates from the White House Office of Telecommunications Policy, whose director has made it clear that controversial subjects in the great documentary tradition should be avoided. The same viewpoint has been echoed by the President's new head of the Corporation for Public Broadcasting, which finances major programs on educational stations. This Government corporation is now engaged in a battle to downgrade the Public Broadcasting Service, its creative and interconnecting arm responsible for serious news shows.

Long before there was a Freedom of Information Act, Henry David Thoreau was jailed for speaking out and defying the Government's role in the Mexican war, last century's Vietnam. "A very few men serve the State with their consciences," he wrote, "and they are commonly treated as enemies by it." Grand juries, subpoenas and even Government jailers will be unable to overpower today's men of conscience.

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