

SENATE APPROVES INFORMATION BILL

Plan Easing Access to U.S.
Data Faces Veto Threat

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Special to The New York Times

WASHINGTON, May 30 —

Despite warnings of a possible veto by President Nixon, the Senate approved today, 64 to 17, a bill increasing the public's access to Government information and documents.

The bill now goes to a Senate-House conference to reconcile differences with a measure passed by the House, 383 to 8, last March 14. The votes in both houses were more than the two-thirds that would be needed to override a veto.

The measure, which would make the first changes in the Freedom of Information Act of 1966, would permit Federal courts to examine privately documents not disclosed to the public because of national security and determine whether the material had been properly withheld.

Because of two amendments approved on the Senate floor, the measure's Republican floor manager, Senator Roman L. Hruska of Nebraska, said just before the vote that he would "urge the President as strongly as I can to veto this measure."

F.B.I. Opposition

One amendment, adopted, 51 to 33, despite the objections of the Federal Bureau of Investigation, would limit the grounds under which Federal law enforcement and investigatory agencies could withhold records from the public.

Mr. Hruska argued that the amendment would "tie the hands of the F.B.I. and dry up its sources" of information. He said informants would be reluctant to cooperate with the bureau if information they provided could eventually be made public.

He also said the F.B.I. files would be turned into "a source for every writer and busy-body."

But the sponsor of the amendment, Senator Philip A. Hart, Democrat of Michigan, said that court decisions had blurred the intent of the 1966 law on what investigatory material could be made public.

Under his amendment, he said, the Government could withhold investigatory records compiled for law enforcement

purposes if the release of the records threatened to interfere with enforcement proceedings, deprived a person of a right to a fair trial or invaded personal privacy, disclosed the identity of an informer or disclosed investigative techniques and procedures.

Guidelines Deleted

A second amendment, approved, 56 to 29, over the objections of Attorney General William B. Saxbe, deleted guidelines for Federal judges to follow in reviewing Government claims that national security interests prohibited the disclosure of classified information.

Senator Edmund S. Muskie, Democrat of Maine and the sponsor of the amendment, said the proposals would have required judges to give overwhelming weight to a Government agency's arguments for withholding material.

Mr. Muskie said the guidelines would "make independent judicial evaluation meaningless."

"The mere rubber-stamping of a document as secret would immunize it" from being made public, he said.

In unsuccessfully opposing Mr. Muskie, Senator John C. Stennis, Democrat of Mississippi and chairman of the Senate Armed Services Committee, told the Senate:

"We are flirting here with things that can be deadly and dangerous to our national wel-

fare. We should not throw the gates wide open."

The provision enabling judges to review classified material in private was included in both the Senate and House bills to offset a United States Supreme Court decision last January. The court held that the contents of documents withheld for national security reasons were not reviewable by the courts.

That decision was reached in a suit brought under the Freedom of Information Act by several members of Congress who had sought classified documents relating to an underground nuclear test.

Other provisions in the Senate measure would enable a court to direct that a Government employe found to have

no "reasonable basis in law" for withholding documents be disciplined and suspended from his job for up to 60 days.

In addition, the bill would set deadlines for Government agencies to respond to and appeal requests for documents and permit judges to authorize Government payments of legal fees for plaintiffs who won suits seeking information under the law.