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Quill

S. 1 a menace to the press

By ROGER SIMON

DURING THE Pentagon Papers days, when Daniel Ellsberg was barnstorming the country giving speeches, he would always include the same sure-fire laugh line. And if his audience was made up of reporters or editors, the line would bring down the house.

"When I was in London, the British reporters would always mention the Official Secrets Act," Ellsberg would say. "They would tell me that if I had leaked those documents in England, I would be in jail and so would the newspapers that printed them.

"And then I would tell them something," Ellsberg would boom to the audience. "I would tell them that's why we fought the Revolutionary War: they got the Official Secrets Act and we got the Bill of Rights!"

The line was a show-stopper. The newsmen would laugh and clap and stomp their feet and hurrah.

Well, it's been nearly 200 years since the Revolution and everybody can stop laughing.

For in the U.S. Senate the Big Enchilada is being prepared. Incorporated in a 753-page bill to revise the Criminal Code are provisions which could put a reporter in jail for printing any government document that hadn't been officially handed out.

The bill has already been called Nixon's Revenge and the U.S. Official Secrets Act, but it is more correctly known by a title which makes it sound like a new jet fighter: S.1.

Briefly, S.1 (Senate Bill 1), which is now before the Senate Judiciary Committee, would have the following effects on the press:

- Anyone, including a reporter, who obtains records and documents owned by or in the custody of the government and who intends to "appropriate them to his own use" — such as writing a story — could be guilty of a crime.
- A reporter could be prosecuted if he receives or takes a government report without official authority. In effect, he would be a receiver of stolen property.
- A reporter could be prosecuted if he "conceals, removes or otherwise impairs the . . . availability of a government record."
- A reporter could be prosecuted if he reads or uses the contents of a private letter without the knowledge of the letter's sender or recipient.
- A reporter could be subjected to a fine of up to $100,000 and seven years in prison for making unclassified "national defense information" public if he knows that that information "may be used to the prejudice of the safety or interest of the United States or to the advantage of a foreign power."
- A reporter could be guilty of a crime if he communicates unauthorized national defense information to unauthorized persons.
- Anyone who leaks national defense or

Roger Simon, Chicago Sun-Times *reporter, this month received the American Bar Association's Silver Gavel Award for criminal justice reporting.*

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classified information to a reporter could be guilty of a crime, even if he has left the government and even if the information was incorrectly classified.

The Reporters Committee for Freedom of the Press, a legal defense and research organization exclusively devoted to First Amendment and freedom of information concerns, had this to say about S.1:

"It is abundantly clear that the administration-supported S.1 is a crude and unconstitutional attempt to silence the type of aggressive news reporting which produced articles about the Pentagon Papers, the My Lai massacre, the Watergate coverup, the CIA domestic spying, the FBI domestic spying and other government misdeeds: news reporting which has been embarrassing to the government and which has depended, in whole, or in part on government-compiled information and reports frequently supplied to the press by present or former government employes without government authorization."

The statement was read before the Senate Subcommittee on Criminal Laws and Procedures by Jack C. Landau, Supreme Court correspondent for the Newhouse Newspapers. It continued:

"Quite simply, S.1, if enacted, would severely restrict the current ability of the public to learn about government policy-making decisions, government reports and government crime by establishing . . . new types of criminal censorship. . .

"S.1 would mean, if enacted, that the only time a reporter would be legally free from the threat of a federal prosecution as the result of publishing government information is if the information came to him from a government handout — precisely the type of censorship system which the First Amendment was designed to eliminate."

The Reporters Committee was not the only body concerned. The New York *Times* thundered from its editorial page on May 6:

"The term 'national defense information' in the bill is so sweeping that it covers almost every conceivable kind of military activity. Cost overruns on new weapons, treaty negotiations for bases in foreign countries, and military assistance to other countries, for example, are all legitimate subjects for press inquiry and public knowledge in a free country."

The *Times* editorial, some 75 lines long, analyzed part of S.1 and concluded:

"The need for secrecy and the claims made for 'national security' are usually vastly overstated. The United States has no need for a law that would help officials conceal their mistakes far more often than it would hide anything of importance from a foreign enemy."

Where It Came From

But there are those who would disagree, and, oddly enough, the sponsors of S.1 are a hodgepodge of liberals and conservatives, each of whom has a particular reason for supporting the bill.

S.1, which encompasses far more than the press, is the culmination of nearly a 20-year effort to solve a nearly 200-year-old mess. Since the Republic began, federal criminal laws have developed willy-nilly, the product of various statutes and court rulings.

Some of the rules conflict, some are confusing, some just outdated. A movement began some 20 years ago to somehow pull federal criminal law together in an orderly fashion. In 1966 Congress created a special bipartisan commission to study the problem. Its report was too liberal for Sens. John McClellan (D-Ark.) and Roman Hruska (R-Neb.), who drafted their own legislation. President Nixon had similar ideas, and at the beginning of this Congress in 1974, the McClellan-Hruska plan and Nixon plan were merged into S.1.

S.1 received the sponsorship of both floor leaders, Sens. Mike Mansfield (D-Mont.) and Hugh Scott (R-Penn.), and conservative Sen. James O. Eastland (D-Miss.). But then the liberals jumped on the S.1 bandwagon too: Sen. Birch Bayh, (D-Ind.) and Frank E. Moss, (D-Utah).

There is enough in S.1 for virtually anyone to find something to love or hate. Aside from the press provisions, S.1 would:

- restore the death penalty,
- liberalize marijuana laws,
- compensate crime victims,
- increase maximum fines,
- narrow the use of insanity as a defense plea,
- broaden the government's wiretapping authority.

A deft and perceptive column in the *Wall Street Journal* by Alan L. Otten, on June 5, noted an uncertain future for some provisions of S.1:

"Some opponents of the bill worry that to improve its chances, sponsors will tone down the press sections to the point where the press is willing to forget about the other questionable changes. With crime rates rising again and an election coming on, senators and representatives might then find it hard to vote against the bill if it reaches the floor — regardless of civil libertarian concerns."

But others are not so convinced that the press sections will be toned down at all.

The main feature of the new "national security" section of S.1 would change the old Espionage Act now in effect. Currently, a person commits a crime when he passes on defense information with the intent to use it "to the injury of the United States or to the advantage of any foreign nations."

Basically, S.1 knocks out the concept of "intent." Melvin L. Wulf, legal director of the American Civil Liberties Union, was quoted in the New York *Times* on May 28 as saying that this change "invited whole-

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sale abuse of the First Amendment by allowing prosecution and conviction of individuals whose purpose in speaking of so-called 'national defense information' is to inform the American people of governmental activities which the public has the right to know."

The Justice Department steadfastly maintains that it already has adequate power under existing laws to prosecute reporters who accept national defense information, but the courts have been reluctant to muddy First Amendment waters thus far.

For Instance . . .

While few reporters may find themselves involved in major matters of national defense information, let alone espionage, some examples provided by the Reporters Committee, show how far-reaching S.1 is:

Example: A newspaper or broadcast station publicizes a government report showing that the White House had an "enemies list." Under the Justice Department view, this would clearly be defrauding the White House of its lawful function of controlling the release of its own information.

Example: A newspaper or broadcast station publicizes a document showing that the CIA has a list of persons it has wiretapped or subjected to other harassment. And the reporter knows that the document has been obtained without authorization or even stolen by a government employe from an agency's files. Clearly the reporter would be "obtaining control of property of another that has been stolen" and appropriating it for his own use, and under the Justice Department theory could be prosecuted for theft or receiving stolen property.

Example: A reporter agreeing ahead of time to accept unauthorized government information — even if the plan was never completed — would be guilty of participating in a fraudulent scheme.

Example: A newspaper reporter is given a document showing FBI wiretapping which he uses to write a news story. Clearly, he would be impairing "the availability of a government record" and could be prosecuted under S.1.

Opposing the press provisions of S.1 are The Society of Professional Journalists, Sigma Delta Chi; the American Newspaper Publishers Association, the American Society of Newspaper Editors, the Reporters Committee, the National Newspaper Association, the Radio Television News Directors Association, the Association of American Publishers, and the American Civil Liberties Union.

Sen. Alan Cranston (D-Calif.) a former reporter, said in *U.S. News & World Report*: "Under the guise of protecting national security, these [prohibitions] would actually bring down an iron curtain of executive secrecy on a host of governmental activities that should not be kept secret and in no way threaten national security."

However, in support of the bill, Sen. Hruska states that it would still allow government workers to pass data about government waste and corruption on to their superiors (but not the public), and favors this approach to "leaking" news.

When eyebrows were raised over Bayh's name appearing on the bill, the senator explained that he supported it so he might amend out the worst provisions. Otten of the *Wall Street Journal,* however, scoffs, saying Bayh's was "an explanation that for credibility has to rank with Nelson Rockefeller's statement that he didn't oppose the Vietnam war all those years for fear of hurting New York State's chances for federal financial aid."

Whatever the reasons for support, the smart money in Washington is riding on S.1 to pass in some form. President Ford has announced that he has his own thinking on the subject, and press advocates hope he will offer alternatives to the press provisions.

The Kennedy Bill

It is difficult to guess, however, what those alternatives might be. The Ford administration has already come out against a bill, sponsored by Sen. Edward Kennedy (D-Mass.), which would encourage federal employes to give information to the press. Kennedy's bill would prevent reprisals against federal employes who disclose government information within the limits of the Freedom of Information Act.

Mary Lawton, deputy assistant attorney general in the legal counsel office of the Justice Department, said the bill would undermine effective control of federal agencies and that the subject was dealt with in other bills pending before Congress (one of which is S.1). Lawton said the current cases in the courts, the FOI amendments and the new post-Watergate spirit should combine with time to prevent recurrence of the abuses which prompted Kennedy's bill.

Lawton may not be aware of the determination of S.1's sponsors to see their bill through. The Chicago *Tribune* points out that both McClellan and Hruska are pressing hard for the bill's approval by the Judiciary Committee before the August recess. The *Tribune* quotes unnamed sources as saying that both senators, now in their final terms, are "staking their reputations" on it.

If S.1 does get through Congress, the President and the Supreme Court with its press provisions intact, there is little doubt that American journalism will undergo the greatest change in its history. Martin Arnold of the New York *Times* wrote that many observers feel this is the most important confrontation between press and government since John Peter Zenger was acquitted of charges for seditious libel in 1735.

The press may not be so lucky this time. ■

The FOIA Amendments

Ask, And You Shall Receive*

* at least your chances are better than before

By JOHN A. JENKINS

WHEN STAN COHEN asked the Army's permission last year to see the inspector general's 28-volume investigative report on irregularities in the selection of an advertising agency for the "Volunteer Army," he got a prompt answer: "No."

So Cohen, Washington bureau chief for *Advertising Age* magazine, used the federal Freedom of Information Act to appeal the Army's denial, and this time he got quite a different response. Last April, the Army turned over to Cohen its one-volume summary of the investigative report, and told him it would look favorably on requests for other volumes as well.

What happened to change the Army's mind? Cohen thinks Congress's recent amendments to the FOIA played a crucial role. "They couldn't escape this under the new Act," he says, adding, "Our lawyers tell us this was really the first effective use of the new amendments."

In Washington, conventional wisdom dictates that an FOIA would be used infrequently by journalists. In a town where "sources" are a reporter's most important asset, anything that even remotely suggests an inability to get information from a friendly official is avoided. Assiduously avoided.

So the FOIA has traditionally been a journalistic stepchild. While lobbyists and corporations used the Act to unlock literally millions — perhaps billions — of pages from the federal government's files, reporters were holding back.

But last Feb. 19, amendments to the 1966 federal FOIA went into effect, amendments to eliminate the abuses and other bureaucratic circumstances that caused journalists to steer clear of the Act before. Already, Washington legal organizations agree there is more journalistic interest in the FOIA.

"I don't think there's any question that reporters are using the Act more now," says Ronald Plesser, a Washington attorney active in FOIA cases. "They are using it 5 times, 10 times more."

But even with new amendments that keep bureaucratic "red tape" to a minimum in FOIA cases, journalistic requests still represent only a fraction of the total. Though Congress has consistently sought to encourage its use by reporters, FOIA requests from the press are running about 5 to 10 per cent of the total. Numerically, they have increased substantially — but so have FOIA requests from the corporations and lobbyists that have always considered the Act among their staples.

In fact, with or without press participation, spokesmen for federal agencies complain they are now being overwhelmed with requests for information from other sources and are finding it next to impossible to meet the requirements set forth in the amendments. If requests continue to arrive in large numbers, the question lingers: will Congress eventually acquiesce to agency pressures and revert to making it more difficult again to gain access to information?

Historically, Congress has not gone out of its way to make it easy for outsiders to obtain information.

First Congress, in 1789, passed what was called the "Housekeeping Law," enabling each agency of government to establish its own rules for keeping records. Then came the Administrative Procedures Act of 1946, Section 3 of which was to prevent secrecy in government. However, Section 3 served also to control access. It simply said the government should disclose information at its own discretion. It was another 20 years before Congress enacted any substantive measures to pry open the informational doors. The FOIA passed in 1966 and was signed into effect by President Lyndon Johnson.

That act was largely the result of efforts initiated in the early 1950s by the news media. And the more recent amendments came through the efforts of Ralph Nader, working through the Administrative Procedures Subcommittee, chaired by Sen. Edward Kennedy (D-Mass.).

Robert O. Blanchard, chairman of the communication department at American University, writing in the Washington *Post* recently, said that although the House Foreign Operations and Government Information Subcommittee held extensive hearings and sponsored a study on the effectiveness of the 1966 act, it was the Kennedy committee which was "responsible for the toughness of the amendments and the brilliant maneuvering that got them through the Senate . . ."

It remains to be seen what would happen if S.1 (the Federal Criminal Code Act of 1975) is enacted in its present form. Observers in Washington say that if it passes, Congress in effect would have adopted two laws contradicting one another. (See page 15.)

Briefly, the FOIA stipulates that the public has the right to inspect any document the federal govern-

John A. Jenkins is a Washington journalist who has used the FOI Act extensively.

ment has in its possession, subject to nine broad exemptions. The public may not, for example, inspect copies of letters sent between agencies, secret documents vital to national defense or foreign policy, or documents like income tax returns that are specifically exempted from disclosure by statute.

The new amendments strengthened the law in several respects to make it more useful to journalists. For the first time, federal courts have been given the authority to review classified documents to ensure that they are "properly classified" pursuant to an executive order.

Additionally, agencies now must make public their "investigatory records" unless they fall within six clearly enumerated categories. This amendment was added to prevent agencies from withholding from disclosure almost anything that could be labeled, properly or not, an "investigatory file."

Because a document often becomes less important to a reporter as months roll by, the FOIA amendments placed a 10-working-day limit on the time an agency could take to reply to a request.

If the request is denied, a reporter may appeal the decision within the agency and receive a response within 20 working days. If an agency denies the appeal, or fails to respond within the time limits provided, the reporter may immediately take his case to federal district court, where the law says it must receive expedited handling.

Experts agree that these procedural safeguards, combined with a tightening of several overused exemptions, have made the law a promising journalistic tool.

"There is no doubt that Congress wanted to make the Act more useful to journalists," says Mark Lynch of Ralph Nader's FOI Clearinghouse. "Now, in many ways, it is."

Another FOIA expert, attorney Victor H. Kramer, predicts, "Newspapermen will use the Act more frequently. Government agencies are responding much more quickly, and more wholeheartedly, in attempting to comply with the obviously clear congressional mandate that wherever possible, records must be made available."

If anything, though, the emergence of the FOIA as an attractive investigative tool for reporters is also likely to force the press corps to reexamine both its relationship with the government and its own attitudes toward "advocacy journalism."

When agencies erected procedural barriers to FOIA disclosure, the press could point to red tape as justification for not utilizing the Act. But now, with bureaucratic delays at a minimum, reporters must confront ingrained values that Washington's three leading FOIA experts believe to be crucial factors in the press's traditional indifference to the FOIA. Listen to Ron Plesser:

"The major media organizations feel that getting involved past the administrative level in a Freedom of Information Act case is a very affirmative, very aggressive act for them to take. For the New York *Times* to sue the Internal Revenue Service or the Justice Department is a pretty affirmative and adversary kind of posture. And it's a posture that those people feel very uncomfortable with."

Before entering private practice, Plesser headed Nader's FOI Clearinghouse, where he represented numerous journalists whose publishers wanted no part of a lawsuit filed against the government. One of Plesser's clients was NBC newscaster Carl Stern, who won access in a major FOIA case to Justice De-

The groups listed below will help reporters who want to use the Freedom of Information Act. Some distribute FOIA literature, including sample request letters and copies of the amended Act. None of the groups charges for its services.

• FREEDOM OF INFORMATION CLEARINGHOUSE, P.O. Box 19367, Washington, D.C. 20036. (202) 785-3704. Founded in 1972 as part of Ralph Nader's Center for the Study of Responsive Law. Employs one full-time attorney, others part-time. Is an active litigator on behalf of public interest groups and the press. Looks for novel cases that will develop "new law," but attorney Mark Lynch says, "We're willing to do a considerable amount of work on behalf of media people to get reporters in the habit of using the Act." By far the best source of information on the FOIA. Will help any reporter, from anywhere in the country, write request letter or appeal letter. Has represented NBC newscaster Carl Stern, Washington *Star* reporter Stephen Aug, among others.

• INSTITUTE FOR PUBLIC INTEREST REPRESENTATION, Georgetown University Law School, 600 New Jersey Ave., N.W., Washington, D.C. 20004. (202) 624-8390. Funded by the Ford Foundation. Director Victor H. Kramer says the Institute is selective about the FOIA cases it takes, but will consider cases from reporters. Looks for cases that will make "new law." Employs three full-time attorneys who also teach and work with third-year law students.

• PROJECT ON FREEDOM OF INFORMATION AND NATIONAL SECURITY, 122 Maryland Ave. N.E., Washington, D.C. 20002. (202) 544-5380. Former National Security Council staffer Morton Halperin was instrumental in founding this group to seek declassification of "secret" government documents. It will work with reporters in the area of national security.

• REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS LEGAL DEFENSE-RESEARCH FUND, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20006. (202) 298-7460. Available free of charge, booklet, "How to Use the New 1974 FOI Act."

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In addition, many attorneys may be willing to take FOIA cases on a contingent fee basis now that the Act has been amended to allow recovery of attorneys' fees by successful plaintiffs. The best list of firms that might be willing to take FOIA cases on such an arrangement can be found beginning on page 167 of Class Action Reports, Fourth Quarter 1974 (Vol. 3, No. 4). For copies, write: 4914 Belt Rd. N.W., Washington, D.C. 20016. Or call: (202) 363-3128.

— *JAJ*

"... Will Congress eventually acquiesce to agency pressures and revert to making it more difficult again to gain access to information? ..."

partment documents concerning the FBI's secret counterintelligence programs. According to Plesser, Stern took his case to Nader's group — which represents reporters at no charge — only after NBC "refused to bring the case. I think, as a general matter, NBC felt that it would be a very aggressive and hostile act for them to have taken against the Justic Department.

Nader Steps In

"It's incredible," Plesser laments, "that the first person working full time in this country on Freedom of Information Act cases was hired and paid for by Ralph Nader. It's incredible that the major journalistic cases of the past three or four years have been paid for by Ralph Nader."

Plesser can cite only two instances in which publishers actually took FOIA cases to court. Both cases, filed by the Philadelphia *Inquirer* and the Nashville *Tennessean,* were aimed at getting FHA mortgage appraisal reports, and both papers won. But newspapers rarely file FOIA cases. More often, an individual reporter will seek help through a public interest law firm such as Nader's, or the Institute for Public Interest Representation at Georgetown University.

Victor Kramer, a noted Washington attorney whose 40-year legal career includes service both in government and the private bar, is director of the Institute, whose acronym, INSPIRE, says something about the legal training it gives third-year law students who do the bulk of the group's work. Kramer also sees a marked disinclination among publishers to aggressively pursue an FOIA case.

"I must say, I have detected in publishers a reluctance to sue an agency," he says. "I wonder if this is because trade journals — technical publications — in Washington depend so heavily on the good will of the government that they hesitate to sue anybody for fear that it will affect the very stuff of which their business is made."

Adds Mark Lynch of Nader's FOI Clearinghouse: "A lot of newspapers don't want to get in an adversative position with the U.S. government. . . . Generally, newspapers pride themselves on being the fourth estate of government. . . . They want to take it easy. That's particularly true in this post-Watergate period."

Lynch also suggests that the Act may be used more often by reporters outside the capital "because of the cynicism and decadence of the Washington press corps — everybody's got a 'source' in this town."

Plesser comments: "For many journalists — especially in Washington — it's like indicating defeat to use the Freedom of Information Act. Journalists sell themselves as being pros at getting information, and if the only thing you can do is to file a lawsuit, that must mean your access ain't all that hot."

Bureaucratic Dilemmas

The federal agencies, however, have problems of their own. Federal agencies vigorously opposed the amendments — and persuaded President Ford to veto them (his veto was overriden) — on the ground that they would force agencies to disclose too much information, too quickly. Now, agencies are saying they underestimated the problems the amendments would cause.

The Justice Department, for example, claims it is averaging 15 requests daily, up from five each week just one year ago. At the second step in the FOI process — administrative appeals to the attorney general — Justice received 119 appeals in the first eight weeks the new amendments were in effect; in all of 1974, it received about 100.

Justice has no idea how many requests are coming from the press, but the Securities and Exchange Commission has been keeping track. About 10 per cent of its 145 requests from mid-February to mid-May came from reporters. Requests to the Federal Trade Commission, another agency which has been a prime target of corporate FOIA requests, jumped to 213 during the same three-month period. (Few were from reporters.) The FTC reports, however, that fewer requests are arriving now that the Act's novelty has worn off.

One agency that has been swamped with access requests is the Central Intelligence Agency. Three months after the amendments went into effect, it had received 1,320 requests for information — fewer than 25 from the press. Most requests merely ask: "Do you have a file on me?" says a CIA official, who notes that the agency starts a file on the person asking, if it doesn't already have one when the request comes in. The official also claims many of the requests come from "known Communists."

This early experience with the "new" FOIA led SEC Chairman Ray Garrett Jr. to make a startling suggestion. He proposed limiting the number of requests a person would be permitted to make within a given time period, "in the absence of extenuating circumstances." Garrett warned ominously: "Without such a limit, it would be possible for the public or any segment thereof, including the press or the bar, for that matter, literally to bring the SEC or any other agency to a grinding halt."

Lynch rejoins: "That would be outrageous, to limit the number of requests. That's like limiting the number of words you can speak under the First Amendment. . . . The answer to that problem is for the agencies to make the information publicly available, in public reading rooms, in the first instance, and to work out a system whereby information is classified 'disclosable' or

"... 'The pendulum is probably going to swing too far in favor of the FOIA. This seems to be an endemic disease in democratic governments'..."

'nondisclosable' at the time it is generated."

Lynch and others who closely follow FOIA developments already sense that agencies want Congress to narrow the scope of the Act again.

"One of the biggest problems we face is staving off sneak attacks on the Act," says Lynch.

"It's going to be chipped away in a whole bunch of little bills that are coming up," predicts Plesser, noting one proposal to exempt applications for federal grants from disclosure under the FOIA. The Association of American Medical Colleges says the exemption is necessary to protect scientists from stealing each other's research ideas. Another bill pending on Capitol Hill would strictly limit the information the proposed Agency for Consumer Advocacy could disclose, and yet another would prevent disclosure of IRS taxpayer advisories.

On the other hand, Georgetown University's Kramer sees merit to some of the criticism leveled at the FOIA: "Based on my 40 years of observing the Capitol and how it works, I believe the pendulum is probably going to swing too far in favor of the Freedom of Information Act. This seems to be an endemic disease in democratic governments."

Kramer foresees either a judicial or congressional relaxation of the procedural requirements — such as time limits — that now favor the petitioner. He doubts, however, that the Act's nine exemptions, now more tightly drawn than before, will be significantly modified.

The Day Is Coming

If federal agencies are determined to subvert the FOIA's intent, perhaps they need only wait for the new Privacy Act of 1974 to take effect in September. Essentially, that law is designed to strictly control the government's dissemination of sensitive personal information in its files. Government attorneys say Congress did not resolve many inconsistencies between the FOIA and the Privacy Act, and agencies (and later, no doubt, the courts) will have to do so instead. Notes Ralph Nader: "The potential for mischief is obvious."

The FOIA is a double-edged sword for journalists. It can be an investigative tool of substantial importance. But its very existence poses a dilemma for publishers and reporters who blanch at even the suggestion of suing the U. S. government.

If there is one thing that the "public interest" lawyers agree on, it is this: The day is coming when foundation money may no longer be available to support FOIA cases that publishers could pay for. When that day comes, it will be a turning point for a profession that so far has merely paid lip service to the Freedom of Information Act. ■

CARTOON BY BRUCE JORGENSEN