

~~NYSE - INCOR~~

~~ARCHIVES~~
LEGISLATION

THE NEW YORK TIMES,

**PRESIDENT BACKS
EASING OF SECRECY**

**Signs Bill Widening Public
Access to Federal Data**

By JOHN D. POMFRET

Special to The New York Times

SAN ANTONIO, Tex., July 4 — President Johnson signed today a bill designed to insure the public greater access to Federal records.

The new law's most important provision establishes the right of judicial review of Government decisions to withhold records. The law, which becomes effective a year from now, puts on the Government the burden of proving that it has the right to withhold records.

The law provides exceptions to the kinds of information that Federal agencies are required to give inquiring citizens or reporters. The exemptions include:

National security secrets, foreign policy information required by executive order to be kept secret, trade secrets and other commercial information the Government may have acquired through questionnaires or through mediation of labor-management disputes, personnel files and medical reports on Government employees.

Also, documents solely related to personnel regulations, reports submitted by banks and other financial institutions in compliance with laws, and memorandums and correspondence between agency officials that would not be available by law to a private party engaged in litigation with the Government.

Information Held Essential

In a statement, President Johnson said:

"Democracy works best when the people have all the information that the security of the nation permits. No one should be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest."

One section of Mr. Johnson's statement seemed to imply that

he had reservations about the inclusiveness of the new law.

It said: "Officials within Government must be able to communicate with one another fully and frankly without publicity. They cannot operate effectively if required to disclose information prematurely or to make public investigative files and internal instructions that guide them in arriving at their decisions.

Dual Need Discerned

"I know that the sponsors of this bill recognize these important interests and intend to provide for both the need of the public for access to information and the need of the Government to protect certain categories of information."

The President's statement also said that the bill "in no way impairs the President's power under our Constitution to provide for confidentiality when the national interest so requires."

This appeared to be a reference to Executive privilege under which Presidents at times have withheld information from Congress. The new law is not intended to deal with executive privilege, it applies only to the executive branch of Government, not to Congress or the judiciary.

The bill, it is believed, may make it easier to find out how members of regulatory bodies vote and to get access to the manuals of administrative procedures of Federal agencies.

It may also make it easier in some cases to ascertain the contents of Government contracts.

The new law resulted from a 10-year fight by Representative John E. Moss, Democrat of California. Mr. Moss is chairman of the Freedom of Information subcommittee of the House Committee on Government Operations.

2 Statements Issued

The White House issued two Presidential statements on the law. The first was withheld after Mr. Johnson had decided there should be some changes in it. A substitute was then issued.

The statement that was withdrawn had said:

"I have always believed that freedom of information is so

vital that only the national security, not the whim of public officials, should determine when it must be restricted."

The released version had this sentence:

"I have always believed that 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."

The withdrawn statement had said:

"I signed this measure with a deep sense of pride that the United States is an open society in which the decisions and policies—as well as the mistakes—of public officials are always subjected to the scrutiny and judgment of the people."

The released version said:

"I signed this measure with a deep sense of pride that the United States is an open society in which the people's right to know is cherished and guarded."

President Johnson is spending the Fourth of July weekend at his ranch 70 miles from here. The White House was unable to say when he planned to go back to Washington.