

Secrecy Shroud

When Richard M. Nixon was a Senator with a penchant for investigations he strongly defended the right of Government officials to testify frankly before Congressional committees. Unless military men and civilian employes "have complete freedom from reprisal," he said in 1951, "the scheduled hearings will amount to no more than a parade of 'yes' men for Administration policies."

Yet the Nixon Administration now, for reasons difficult to understand, is backing up the Air Force in its firing of A. Ernest Fitzgerald, the civilian analyst who in 1968 exposed to a Senate committee the \$2-billion cost-overrun by Lockheed on the giant C5A transport. The mystery is increased by the fact that the cost-overruns and Mr. Fitzgerald's testimony about them occurred in the Johnson Administration.

The Air Force discharged Mr. Fitzgerald through the subterfuge of abolishing his job, but rumors were spread that he had engaged in questionable activities involving a "conflict of interest." A White House investigation of these innuendos early in the Nixon Administration cleared the analyst and even brought a recommendation for his promotion, according to columnist Clark Mollenhoff, a former member of President Nixon's staff. Nevertheless, Defense Secretary Laird with White House backing has supported the Air Force in its efforts to make the firing stick and even to deny Mr. Fitzgerald public, not closed, hearings in his bid for reinstatement.

A Federal District Court ruled that the closed hearings before the Civil Service Commission were an unconstitutional denial of due process. But the Justice Department, on Air Force urging, is now appealing this decision, although there is no security reason for secret hearings. The Air Force argument that privacy in such hearings is needed for protection of the employe involved was rejected by the District Court on the indisputable ground that the employe, Mr. Fitzgerald, wants an open hearing.

Mr. Fitzgerald's right to take depositions now to insure preservation of evidence was also upheld by the District Court in response to his plea that some of his key witnesses inside the Air Force already have left or are dead and that files may vanish with time. But even this ruling is being appealed by the Administration.

The Air Force clearly would be embarrassed by open hearings that exposed its mishandling of the C5A contract and its questionable tactics in the Fitzgerald case. But elementary justice and the need to discourage cost-overruns—which exceed \$28 billion on current weapons development programs—both suggest that the public interest would be served by the prompt scheduling of open hearings that put the facts before the country.