

U.S. AIDES REVEAL DISCLOSURE RISKS

**Tell Panel They Suffered
for Releasing Data**

By **MARTIN ARNOLD**
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WASHINGTON, April 28—To make available to the public information that is truthful but damaging or embarrassing to the Government is often all that is needed to ruin a bureaucratic career, a Senate subcommittee was told today by seven Federal employes who had done it and suffered.

One witness, in fact, said that "communicating the truth is one of the cardinal sins of the bureauchacy." He was A. Ernest Fitzgerald, who told Congress in 1969 that the C-5A transport lane would cost the Air Force \$2-billion more than it had bargained for.

Mr. Fitzgerald, who was dismissed from the Pentagon and then reinstated but given less important assignments, is involved in litigation over back pay. Six other Government employes told of similar, if less the Subcommittee on Administrative Practices and Procedures, headed by Senator Edward M. Kennedy, Democrat of Massachusetts. Three newspapermen also testified.

The subcommittee is holding hearings on the proposed Federal Employes' Disclosure Act, which, in essence, would ban the Government from making reprisals against Federal employes who make public most types of information.

Commission Called 'Prosecutor'

Mr. Fitzgerald testified that, at present, the Civil Service Commission "acts not as an impartial judge but as a prosecutor" when a civil servant gets into trouble with his agency.

He pointed out that it was a crime to "cover up" and falsify Government information, but that the Justice Department "far from enforcing those laws, takes the part of the person who is inferering" with the flow of information.

Another witness, Dr. Jacqueline Verrett of the Bureau of Foods of the Food and Drug Administration said that after she had granted a television interview, with permission, she was told never to speak to the press again and "not to answer my phone but to get someone else to answer it and say I wasn't there."

And Rudy Frank, a program specialist for the Office of Economic Opportunity, testified that he had gotten into diffi-

culty for making public the salaries of teachers in a day-care center.

Other Government employes testifying were Dr. Mary Lepper of the Office of Civil Rights of the Department of Health, Education and Welfare; John Mofatt of the Internal Revenue Service in Detroit, and Sandra Kramer and Valerie Koster, nurses at the Shiprock Indian Health Service Hospital.

All seven witnesses had been suspended for their actions.

'Who Owns the News?'

The three press witnesses were not subpoenaed. They were Jack Anderson, the columnist; Clark Mollenhoff, columnist and reporter for The Des Moines Register, and Alan S. Emory, president of the Washington chapter of the society of professional journalists, Sigma Delta Chi.

Mr. Anderson said that any "documents that show mistakes, mismanagement, boners, wrongdoing, when such a document crosses the desk of an agency head, he dares not stamp it censored, but he stamps it secret."

"The question is, 'who owns the news?' We believe news is owned by the people," he said, "not the Government. Those on the payroll are paid by the people, and their first loyalty should be to the people."

Mr. Emory said that before information is withheld, "the Government, not the press, should prove its case" to withhold.

Mr. Mollenhoff, while agreeing that there are secrets the Government should be allowed to keep, said that, in the realm of exposing "half truths and flat falsehoods," the Government uses "police-state tactics against the whistle-blowers."

Senator Kennedy conducted today's hearing alone. He said that he was disturbed because "high level bureaucratse devote substantial energies toward spoon feeding the press with a kind of Pabulum that places the agency — and its leadership — in a good light."

Persons who tell the public about Government mismanagement and misdeeds, he said, "are presently subjected to informal hostility and to formal harassment and retaliation, engineered to punish them for what they did and to provide a lesson for others who might follow."

For these reasons, he said, he does not think the Freedom of Information Act, which makes it easier for the public to solicit information, can solely be relied upon to keep people well informed.

Exempt from the act are medical reports, disclosure of an agency's internal rules and regulations, confidential trade agreements and foreign and defense information that has been classified secret by Presidential order.

But a Federal judge can be petitioned to determine whether the secret classification should stand.