

GOVERNMENT secrecy has become an unfortunate fact of life in American society, despite the best hopes of this nation's founders. James Madison once declared optimistically: "Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power knowledge gives." But those lofty ideals of 200 years past have been facing heavy weather for at least a generation, and there is every evidence that reviving such notions in the current climate of government in Washington and elsewhere remains a difficult task. Under the shroud of national security and other devices of secrecy, the bureaucrats go about their business without the knowledge and consent of the governed. This is so despite the fact that Congress provided the press and the people with a weapon—admittedly a blunt one—in the Freedom of Information Act of 1966. It gave the public a right to examine the documents in the possession of government agencies and thus the opportunity to find out what is being done in the name of the governed. But its effective use is much more the exception than the rule.

Thanks to a notable recent exception, we now know that in the 1960s, the late J. Edgar Hoover ordered his agents at the FBI to undertake a "counterintelligence" program against what Mr. Hoover described as "black nationalist hate groups," among others. We know this because Carl Stern of NBC News took the trouble to go into court and win a law suit under the Freedom of Information Act. In theory, at least, FOIA reversed an older law that made disclosure difficult and established a policy that disclosure should be the norm and denial of information the exception. Unfortunately, the act has not worked that way. For one thing, there are a number of frustrating exceptions to the act. Beyond that, its mechanism is so cumbersome that only seven suits have been filed by news organizations since the act was passed.

Some of the blame for FOIA's ineffectiveness to date must rest on the news media. They have taken the view that news is immediate, and if they cannot get what they need for a story, they must move on. Very few

journalists have been willing to take the time that the Freedom of Information Act now requires. Mr. Stern, for example, obtained the most recent set of documents on the FBI counterintelligence program 26 months after first seeking them.

The House of Representatives moved decisively this week to reduce the burden on those who wish to make use of the FOIA. It voted 383 to 8 for an amendment to the law proposed by Rep. William Moorhead (D-Pa.). The Moorhead Amendment does several important things to make the FOIA a better law. It reduces the number of days an agency has in which to say if it intends to provide requested information voluntarily. It places in the hands of the courts the question of whether national security is sufficient reason for a given agency to withhold information. It allows plaintiffs to recover their legal expenses if a court rules that an agency withheld material it should have turned over voluntarily. It adds the Office of Management and Budget to the list of agencies now covered by the act, and it requires all agencies to give an account to Congress each year of how it implemented the law.

A similar bill, sponsored by Sen. Edward M. Kennedy (D-Mass.), has cleared a subcommittee of the Judiciary Committee and should be ready for floor action shortly. The Nixon administration has made rumblings that could be the forecast of veto action, but that would be a meaningless gesture if the Senate action is as decisive as was that of the House. Attorney Ronald Plessner, who heads the Freedom of Information Clearinghouse and who represented Mr. Stern in his suit against the FBI, has estimated that this new legislation could have reduced the elapsed time of the Stern case from 26 months to six months. That is more in keeping with the needs of justice and the public's right to know what its government is up to. No known substitute for an informed electorate exists in a democratic society, and the Hoover papers make it clear once again how dangerous bureaucratic secrecy can be to the rights of a free people.