

THE WASHINGTON POST, FRIDAY, JUNE 5, 1981

Reopening the FOIA Debate

FOR THOSE partial to such occasions, we should note that 1981 marks the 15th anniversary of the passage of the Freedom of Information Act (FOIA). As if to recognize that milestone, both supporters and critics of the statute already have begun preparing for the first comprehensive debate since 1974 over its use and abuse.

Consider the signs. Last month, the attorney general terminated the Carter administration's more liberal "demonstrable harm" standard for evaluating release of documents under the FOIA and, at the same time, requested proposals from all departments and agencies for changes in the law. In mid-July, both Senate and House subcommittees, the one Republican-controlled and the other Democratic, plan almost simultaneous hearings on FOIA revision. Throughout Washington, interest groups representing every view of the measure have begun preparing for the major legislative battle, expected sometime this fall, over amending the FOIA. One group of FOIA enthusiasts reportedly has even planned a Fourth of July "birthday party" to publicize its achievements.

At this point, the administration has not yet shown its hand or indicated the precise scope of changes in the FOIA that it may seek. To solicit ideas from the various FOIA units throughout the bureaucracy buys a certain amount of time; the Carter administration, after all, dawdled away its final two years with just such a "comprehensive review." Unlike his predecessors, however, the attorney general confronts a Republican-controlled Senate eager

to revise the statute in order to limit access (among other things) to the records of law enforcement, intelligence and business regulatory agencies.

Virtually all the proposals now being discussed would narrow significantly the boundaries of public access under the FOIA, a result that disturbs supporters of the measure and understandably so. It turns out the two sets of mid-July congressional hearings—one by Sen. Carl Albert (D-Okla.) and Senate subcommittee on constitutional rights and one by the House subcommittee on government organization and individual rights chaired by Rep. John English (D-Okla.) undoubtedly will be completed in mid-July. The FOIA forums sponsored by both subcommittees will be held in a way that a broad and balanced cross-section of interested parties will be invited to testify. The hearings will be simplistic and unvarnished.

As for the Justice Department, since it finally submits its specific recommendations for FOIA revision, this might be done more directly to an elected Congress rather than allowing all agencies to negotiate separately with Congress. It has been a long time since to water down the law by executive fiat. If (in the interim) any proposals for amending the statute are introduced, the handling of "requests for information" that would serve the goal of better informed government. Whatever changes may be required in the law to restore an balance the FOIA has demonstrated its need for and must not be gutted.