

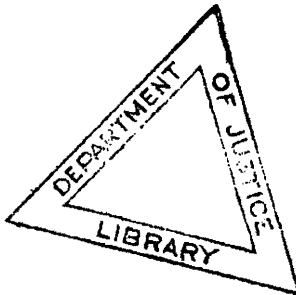
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"FREEDOM OF INFORMATION  
AND  
NATIONAL DEFENSE"

ADDRESS

BY

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Prepared for Delivery

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Washington, D.C.

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11:30 A.M.

I welcome this occasion to speak upon a timely subject which I believe is of considerable interest to you, - the President's proposed Executive Order entitled "SAFEGUARDING OFFICIAL INFORMATION IN THE INTEREST OF THE DEFENSE OF THE UNITED STATES."

Since the basic purpose of your organization is to advance the standards of radio and television as news media, you undoubtedly have given thought to the problem of attaining the proper balance between the pressing need to safeguard some kinds of official information in the interests of the national defense, and the ever compelling necessity of avoiding censorship over the free flow of information from the Government. Needless to say, the problem is aggravated by the "Cold War" which requires that we be "security-conscious" night and day.

President Eisenhower considers the free flow of information from the Government to the people to be basic to the good health of the Nation just as the free circulation of blood in the human body is basic to the good health of the individual. His goal is the elimination of obstacles which interfere with the activities of the press, radio, television and other media of public information in bringing to the people knowledge of the plans, policies, and daily operations of their Government. He recently stated that the free press in this Nation "helps arm our people with the knowledge and understanding without which free choice, free government, free men, could not be."

Early this year the President instructed the Attorney General to make a study for the purpose of advising him as to how the flow of information could be increased without jeopardizing our national defense.

In considering the problem, we were confronted with Executive Order No. 10290, of September 24, 1951, and its accompanying Regulations, which established minimum standards for classifying and handling security information throughout the executive branch of the Government. As you are well aware,

this Order was severely criticized by the press and other interested groups for imposing a form of censorship, unwarranted in peace time. President Truman was urged to rescind or modify the Order on the ground that it placed in jeopardy freedom of the press.

As manifested by the continuous and wide-spread criticism which it has received, it seems obvious that the old Executive Order failed to attain the proper balance between the needs of defense and the need for a free press.

Executive Order 10290 and its Regulations are open to a number of objections from the standpoint of sound public policy:

- "1. By using vague and broad descriptions of security information, they allow government officials to withhold many types of information which could be publicly disclosed without endangering the national safety.
2. There is a tendency to follow the dangerous policy heretofore used by dictator nations of authorizing government officials to use the term 'National Security' indiscriminately, and thereby throw a veil of secrecy over many items which historically have been open to the public in this country.
3. By authorizing classification of too many kinds of documents as 'Security Information' they have tended to promote a careless attitude upon the part of some Government employees who handle security information.
4. They have tended to build up a barrier between Government and the press, which is inimical to our traditional freedom of the press."

On June 17, 1953, President Eisenhower made public the text of a new

proposed Executive Order entitled "SAFEGUARDING OFFICIAL INFORMATION IN THE INTEREST OF THE DEFENSE OF THE UNITED STATES." At the same time, he invited representatives of the press, radio, television and all other media of public information, together with Government departments and agencies, to submit comments, criticisms and suggestions with reference to this proposed Executive Order.

Because the President designated the Attorney General as the clearing-house to coordinate these comments and suggestions, I can assure you that the responses have reflected a very active interest in the proposed Executive Order. Conferences have been held not only with Government departments and agencies, but also with groups and individuals representing the press and other news media. The criticism and suggestions of Mr. James S. Pope, former Chairman of the Freedom of Information Committee of the American Society of Newspaper Editors, as well as the suggestions of Mr. Norman E. Isaacs, President of the Associated Press Managing Editors Association, have been most helpful in our study of this problem. Mr. J. R. Wiggins, of the Washington Post and Chairman of the Freedom of Information Committee of the American Society of Newspaper Editors, advised and conferred with us in a most helpful manner. Because of this cooperative effort, I feel confident in predicting that, when the final Executive Order is issued by the President, it will be recognized as having attained the required delicate balance between the need to protect certain kinds of information and the need for keeping the citizens of a democracy as fully informed as possible concerning what their Government is doing.

Now, I would like to tell you more specifically our recommendations for the new proposed Order.

1. That it withdraw from a large number of Government agencies the authority to classify information. This means that these agencies may not stamp "Top Secret," "Secret," or "Confidential" on information which they originate. It is certainly obvious that, in the normal course of events, the American Battle Monuments Commission, for example, or the Commission of Fine Arts, would not be likely to originate information which would require safeguarding in the interests of the defense of the United States.

2. That in a second group of Government agencies, only the head of the agency himself may classify information originating in his agency, and he is strictly prohibited from delegating this authority to anyone else. This means that such authority can be delegated only by the heads of agencies which normally originate so much information requiring protection that the head of the agency couldn't possibly classify it all personally. Even in these agencies, however, the delegation of the authority to classify is severely limited. By these two provisions, we have recognized the validity of the criticism levelled at the old Order for its failure to limit the authority to classify information to agencies which normally originate appreciable quantities of information actually requiring protection. In this way, we have gotten away from the "shotgun approach" which characterized the old Order.

3. That one of the four categories of information which were included in the old Order be completely eliminated, namely, "Restricted." This is the lowest of the four categories, and it has become a huge "catch-all." When Government officials find it difficult to decide whether or not to classify a document, there is a tendency to classify it "Restricted." They do not stop to think that by classifying a document "Restricted," they are

removing it from the public domain just as effectively and just as permanently as if they stamped it "Top Secret." By eliminating the category "Restricted," we intend to eliminate the occurrence of such overclassification. Also, we will create more respect for the classification of material which really should be carefully protected.

4. That agency heads establish a genuinely effective system for reviewing classified material, so that when the reasons for its being classified have passed, it will be "declassified."

5. That there be more explicit definitions and examples of the kinds of information which should be classified, instead of the broad descriptions which were contained in the old Order.

6. That there be a continuing independent review of the classification operations of the various agencies under this proposed Order. This means that not only will the decisions of agency heads and other classifying authorities be reviewed by some other person in the same agency to determine whether or not the material can be downgraded or declassified, but also that the classification operations of the agency itself will be reviewed independently by persons outside of the agency.

I do not think that we would have the present understanding of the problem if a continuous constructive criticism of the old Executive Order 10290 had not been received from representatives of the free American press, radio and TV. It is most important that all organizations which are, like your own, concerned with the freedom of information, continue to seek out and oppose any operation of Government which causes information to be withheld unnecessarily.

By this kind of cooperative effort, we can demonstrate to all the world

the vivid contrast between our system of government, which believes in and encourages freedom of the press and all media of information, and the Communist system of tyrannical government to which the concept of freedom of information is anathema.